

Mediation Perspectives 2013-2014





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Foreward by Peter Faber, Head of the International Relations and Security Network (ISN)

The Center for Security Studies' (CSS) website is quite explicit about the purposes of its [Mediation Support Team](#). Broadly speaking, the team exists to help resolve violent political conflicts. On a more practical level, however, its charter is twofold – 1) to develop and then popularize assorted mediation tools and methods, and 2) to help mediators and negotiators improve their mediation, conflict transformation and peace promotion skills. The members of the Mediation Support Team have developed these tools and honed these skills by conducting research, staging training courses and events, and providing 'direct process' support for those that need it. Oh, they've also been doing something else.

Over the last two years, the team's members have regularly contributed to the ISN Blog as well as worked with guest authors to get their unique perspectives on peace mediation. Their Mediation Perspectives series has obviously served an educational purpose, but it's also enabled the blogs' authors to explore two particular preoccupations of theirs – 1) the role of mediation in peace processes, and 2) the relationship between religion and mediation, which explores how faith-based worldviews and values shape dialogue and negotiations. These two themes, and a few others, are leitmotifs that run throughout the Mediation Perspectives series. And because they are part of a larger weave, we decided that it was time to collate the 23 blogs that have been produced thus far into one easy to use source.

So, here it is. The collection, which is organized in reverse chronological order, is designed both to raise questions and provide answers. It is a useful private resource, but it can also be used as a teaching tool. Finally, the collection reminds us that mediation is an art, but like all arts it has "statistical regularities" that anyone can study and then try and apply.

For further information about the CSS Mediation Support Team and its activities, please contact Dr. Simon Mason at mason@sipo.gess.ethz.ch or Valerie Sticher at valerie.sticher@sipo.gess.ethz.ch. In closing, they would first like to acknowledge the generous financial support of the Swiss Federal Department of Foreign Affairs, which funds its activities through the Mediation Support Project. (The latter is a joint initiative of the CSS, which is located at ETH Zurich, and swisspeace, which is a practice-oriented peace research institute located in Bern, Switzerland.). Finally, the team would like to thank the members of the ISN Content Team for their ongoing editorial support of the Mediation Perspectives series.

What is Mediation?

By Simon J. A. Mason

This [ISN Blog](#) first appeared on 11 December 2014



Pictured here are US Secretary of State John Kerry and Swiss Federation Council President Didier Burkhalter at the Geneva II conference on Syria. Image: Wikimedia

On 25 November 2014, the German Ministry of Foreign Affairs, together with various German mediation support NGOs, organized a [conference on Peace Mediation](#). The aims of the conference were to explore the role that Germany can play in this field and to raise the country's profile as a conflict mediator. As part of the discussion, one of the working groups focused on the types of human resources and institutional structures needed for effective mediation and mediation support. In this context, the first question to arise was "what is mediation?" Indeed, only once this question is answered can the relevant resources and institutions be assembled to effectively provide the desired forms of 'mediation.' This implies that the first step for organizations seeking to expand their role as mediators is to be clear about what exactly they have in mind.

Without being comprehensive, the following seven types of third-party supported peace promotion can all fall under the broader umbrella terms of 'mediation' and 'mediation support':

1. *Peace diplomacy*: This is often the most visible form of mediation, where diplomats and special envoys shuttle between parties, pass messages, and bring parties together, in pursuit of an agreement. Peace diplomacy efforts often occur in response to political crises, and there is little long-term structure to the process. While some mediation techniques are used, the focus is mainly on communication techniques. The OSCE efforts in the Ukraine crisis illustrate this type of 'mediation,' which is often called 'facilitation' or 'crisis diplomacy' because the third party helps with communication and 'convening' (i.e., organization and bringing stakeholders to the table) but does not provide a structured process.

2. *Track I mediation:* Mediation in structured, longer-term peace processes is the classical form of mediation in the international arena. Track I mediation can be understood as a structured process, where an impartial third party assists conflict parties from the track I, elite level, in negotiating a mutually acceptable agreement. Track I mediation is guided by a political envoy, who is supported by a team of experts including professional mediators, subject matter experts, etc. Track I mediation is effective in ending violence and addressing the root causes of conflicts. However, it requires 1) a high level of expertise from the third party, 2) a willingness of the conflict parties to try negotiations, 3) time, and 4) a minimal degree of support from regional and international actors. The Sudan North South process between 2002 and 2005 illustrates this type of mediation.
3. *Preparing parties for negotiations:* In many cases, parties do not want a formal mediator but will accept third-party assistance in preparing for peace negotiations. Often, ceasefire mediation follows this model, in which experts help to prepare the parties but are either not present at the actual joint talks, or maintain a low profile. This type of mediation support can also be combined with other forms of mediation. This was the case in the Syria process, where the opposition was trained in negotiations ahead of the UN-mediated Geneva II Talks in January 2014.
4. *Supporting local mediators, peace committees and infrastructures for peace:* Mediation support work can also focus on assisting local mediators and developing peace committees and infrastructures for peace. Following a conflict transformation philosophy, the argument behind such efforts is that a peace agreement on paper, signed by elites, will not be sustainable without broader and more inclusive processes involving various state and non-state actors before, during and after a formal mediation process. Especially in fragile states, hybrid forms of state and non-state peace committees need to be institutionalized to deal with inter-community conflicts, so that they do not flare up into violent, political contests. Third parties engaging in these types of activities need long time-frames, i.e. five to ten years. Examples of third parties supporting this type of work can be found in Nepal, Ghana and Kenya, to name but a few.
5. *National dialogues:* National dialogues are another form of peace promotion that aims to be more inclusive than traditional peace diplomacy and track I mediation. The word 'national' indicates that there is no formal third party leading the process. Instead, the third party may have a supporting role, assisting with logistics and providing input on process design and other topics if required. While national dialogues often focus on creating understanding and trust, there are also forms of national dialogues that seek to create options and recommendations for the track I level. A key question in national dialogues is how the outcome of the process is integrated into track I negotiations and the 'normal' political system. The UN-supported National Dialogue in Yemen between 2013 and 2014 is an example.
6. *Track II dialogue processes:* In these types of processes, which are narrower than national dialogue processes, mid-level elites, often former government actors, come together to develop options for how to resolve a specific conflict. The outcomes of these processes are not binding, and the link to the track I level is crucial to their effectiveness. The Geneva Process between Israel and Palestine is an example.
7. *General mediation support:* Rather than focusing on supporting a specific ongoing case, general mediation support aims to improve mediation practice and policy more widely, through various

activities that include training, research, policy development and networking. These activities can contribute to the professionalization of the field. Much can be learned from one case that is relevant for another case – as long as learning proceeds carefully and ‘copy-paste’ approaches are avoided. Networking, such as by the [UN Group of Friends of Mediation](#) or the [Mediation Support Network](#), facilitates learning, policy development and smoother collaboration on future cases. To be effective, general mediation support needs to be based on, and feed into, other mediation activities.

The UN definition of mediation ([UN Guidance](#), p. 4) and the Mediation Support Network’s [definition of mediation support](#) provide guidance in categorizing the activities mentioned above. However, both definitions are broad, and, in daily usage, ‘mediation’ and ‘mediation support’ are sometimes used interchangeably.

The advantage of this broad understanding of mediation and mediation support is that if one of these types of activity is successful, the others also benefit. Peace diplomacy, typically, leads to high visibility. When this occurs, other forms of mediation and mediation support often use this visibility to their advantage. As ‘mediation’ in general becomes popular, it becomes easier to access resources. Furthermore, because there are synergies between different forms of mediation and mediation support, placing them all under the same umbrella may create synergies and improve their overall effectiveness – again, assuming it is done carefully.

However, the downside of this broad understanding and the interchangeable usage of ‘mediation’ and ‘mediation support’ is a confusion of approaches that can sometimes outweigh the advantages. The main problem is that different forms of mediation and mediation support require different types of expertise, human resources and institutional arrangements. This is why experts disagree on the length and depth of mediation training needed – with some arguing that training is not required at all, and others that three years is necessary. Without clarity about the form of ‘mediation’ in question, adequate human and institutional resources cannot be developed. Furthermore, if the most visible form of mediation, i.e., peace diplomacy, receives negative press, or conflict parties experience it as being ineffective, it will negatively affect other forms of mediation and mediation support by association.

The way forward could therefore be for the German Foreign Ministry – and indeed any foreign ministry or international organization seeking to expand its role in the field of mediation – to be clear about the forms of ‘mediation’ and ‘mediation support’ it aims to become involved in. The various options are not mutually exclusive and can even be complementary. However, to make use of synergies and avoid confusion, the similarities and differences between the various approaches have to first be clearly spelled out. This is important in order to establish the priority of the seven (or more) types of mediation and mediation support an organization aspires to. On this basis, an organization can then effectively target the appropriate human resources and institutional arrangements it needs to develop.

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Time to Build Bridges between Tribes in South Sudan

By Josef Bucher

This [ISN Blog](#) first appeared on 6 November 2014



Image: European Commission/flickr

When, a decade ago, the independence of South Sudan became a serious option, it was politically correct to foster great illusions about its future. However, as Sudan itself was considered to be a failed state, there was a risk that simply dividing the country might create two failed states. In addition, a glance at the modern history of Eritrea, Ethiopia, Uganda and Rwanda reveals a pattern from which South Sudan could hardly expect to escape. In each of these countries, when victorious rebel armies took full political control, they established authoritarian regimes that remain in power decades later.

As if these challenges were not serious enough, the SPLM-split of December 2013 provoked another man-made disaster for the people of South Sudan. Despite significant aid and resources, the SPLM was not able to keep its ruling coalition together. The international community provided support for education, health care and infrastructure, and the SPLM had more than enough oil revenue to prevent large-scale violence among its members. But it failed nevertheless.

I do not wish to address the question of how a stable coalition around the SPLM could be rebuilt, but rather, how the South Sudanese can come to terms with the fall-out from the ongoing civil war, which has pushed the ethnic dimension to the forefront of the power struggle.

There is broad agreement that since the SPLM-split of December 2013, ethnic cleavages have taken a dramatic turn for the worse. A superficial conclusion might be that the project of nation-building has suffered a serious setback. But it seems more appropriate to question the very concept of nation-building, since these efforts turned a blind eye to the great ethnic diversity of South Sudan or assumed that tribal identities would automatically fade away.

In South Sudanese society, however, tribal identities play a significant role. A huge majority of South Sudanese know exactly to which tribe (or ethnic community) they belong, and this social identity has direct consequences on their lives: whom to give a job, whom to marry, whom to trust, whom to ask for protection and whom to fight. Tribal communities, for instance, are even more powerful civil society actors than churches: tribal identities are more likely to divide a church community than churches are to divide a tribe.

There are one hundred clearly identified ethnic communities which call South Sudan their home. Political stability has to be built on peaceful coexistence among them – rather than on the burial ground of tribal identities, as public opinion implicitly suggests. Therefore, the way forward in these difficult times is to focus on building bridges between tribes.

Two long wars have severely damaged the social fabric of South Sudan but neither the Addis Ababa agreement of 1971 nor the Nairobi agreement of 2005 has focused on keeping peace among the ethnic communities in the south. In fact, political conflicts along ethnic fault lines have time and again threatened the stability and viability of South Sudan. Although the strategy of *building bridges between tribes* is more compelling now than ever, implementing it effectively is a big challenge. Three steps in particular can help to overcome this challenge:

- Tribal communities need a degree of formal recognition and institutionalization that can reinforce the bridges between them. Ethnic communities require some internal cohesion to reach and implement agreements with other tribes. However, ruling elites are often reluctant to go down this road out of fear of power competition, and Western donors tend to perceive traditional institutions as an obstacle to their modernizing agendas.
- To properly understand the role ethnic communities play in power struggles such as these, we have to ask: are tribes the cause of the new civil war in South Sudan – or are they the victims? Did tribal leaders order the first shot to be fired and did tribal councils escalate the violence? Or were they just too weak to resist the manipulation of military and political leaders? This consideration makes it crucial for tribal groups to receive protection against external manipulation. This implies a healthy distance from other powers in the country and runs against policies of ‘divide and rule’ so masterly executed by ruling elites in the past.
- Finally, ethnic communities also need protection against internal manipulation, since both self- and externally-imposed tribal leaders are tempted to hijack their own communities. Accountability within tribes ultimately provides the best safeguard against this danger. Traditionally, ethnic communities in South Sudan have had their own ways of holding leaders accountable. Although decades of war and militarization have inflicted great damage, there remains a rich heritage of good practice to be recovered and revived. However, Western donors have yet to grasp the importance of intra-tribal accountability, which is not only of great value for intra-tribal affairs but of equal relevance for the success of the wider goal of good governance.

Building bridges between tribes implies mutual recognition among ethnic communities. It means a growing web of local and regional agreements between them. It enables ethnic communities to better protect themselves and their members and to restore social capital lost in the on-going civil war. Above all, it may empower ethnic communities to contain tribal fires in the future.

Yet it remains a big challenge. For one thing, the ruling coalition would want to police such bridges. For another, Western donors burdened by a prejudice against tribes are scared of ideological contamination.

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Ending Dialogue to End the Israel-Palestine Conflict?

By Dahlia Scheindlin

This [ISN Blog](#) first appeared on 2 October 2014.



Pictured here are US Secretary of State John Kerry and Israeli Prime Minister Benjamin Netanyahu. Image: US State Department/Wikimedia

After more than two decades of Israeli-Palestinian negotiations that have failed to bring peace, few words are as reviled among Palestinians as “normalization.” “Anti-normalization” is a widespread response: many Palestinians refuse to cooperate with Israelis, arguing that joint activities have merely given cover to Israel’s ongoing military occupation of their land and society for decades. Peace and reconciliation activities, they feel, create a false image of equality that does not reflect reality and contributes to their ongoing oppression.

Citing “Anti-normalization,” many Palestinians have thus disengaged from peace activities in the past. Several academic and conflict-resolution conferences between Israelis and Palestinians have been canceled after activists pressured the Palestinian owners of the East Jerusalem hotels hosting the events. An extreme case occurred when the leader of Zochrot, a small Israeli NGO that supports the return to Israel of Palestinian refugees expelled in 1948, was invited to speak in Ramallah. Although his advocacy for the return of Palestinians is considered treasonous in Israel, anti-normalizers pressured his Palestinian host and the event was canceled.

Why boycott peace activists? Why do the proponents of anti-normalization insist that only cutting contact can end the conflict? Is their approach working?

Why?

It was not always like this. After the signing of the Oslo accords in 1993, a vibrant peace community kicked into action, supported by a torrent of international donor funds. Elaborate co-existence

frameworks –summer camps, sports teams, youth magazines, and joint intellectual and educational activities were established to entrench the paradigm of peace based on two equal nation-states.

But although the Oslo accords were lauded as a breakthrough, they actually contained no agreement about the final peace settlement. Instead, they established a timetable for future negotiations, a Declaration of Principles (“DoP”) for phased Israeli withdrawal from Palestinian areas and interim measures towards Palestinian self-rule, all predicated on fulfillment of previous stages.

As it turned out, neither side lived up to its obligations. Waves of violence and further rounds of negotiation followed, but a final status accord was never achieved. A second Palestinian rebellion broke out in 2000. Israel tightened restrictions on Palestinian movement, employment and land contiguity to unprecedented levels and the Israeli military temporarily re-occupied cities in the West Bank. Israel continued to build settlements and appropriate land.

By the mid-2000s the Intifada had subsided, but the Palestinian situation was worse than ever. Suddenly many Palestinians saw the whole process of negotiations, agreements, failed implementation, and then failed further negotiations as a sham, an Israeli strategy to convince them and the world that it was committed to a two-state resolution while deepening its grip on Palestinian land where the state was to be established. On this view, the “peace industry” as it has derisively become known (by both sides) was key to maintaining the deception of Israel’s ‘commitment to peace.’

Rejecting the idea that this state of affairs – negotiation, oppression and appropriation –was “normal” became a political cry with great emotional resonance. It was an expression of the Palestinian experience of betrayal, a statement that the conflict was not symmetrical, and a rejection of joint activities that appeared to hold both sides equally responsible for making peace. Palestinians seethed at the expectation of “reconciliation” when they were (and are) still living under suffocating military rule.

BDS, anti-normalization in practice

In 2005, Palestinian civil society activists released a formal call for Boycott, Divestment and Sanctions (BDS), starting a movement with three stated goals: ending military occupation, fulfilling Palestinian rights, and equality for Palestinian citizens of Israel. BDS crafted guidelines for boycotting Israeli institutions, businesses, and cultural and academic endeavors.

The general guidance was to refuse projects with anyone representing an Israeli institution, or any joint activity for coexistence. The idea of coexistence was to be replaced by “co-resistance” to the occupation; activities devoted to the latter are not considered normalization.

It is harder to set or apply formal guidelines to personal interactions. The implementation of anti-normalization has been uneven, and even some Palestinians are critical. Some feel that the guidelines for acceptable interactions with individuals are not clear enough. Others think there should be different expectations for “48 Palestinians” – citizens of Israel who must interact with Israeli institutions in order to live. Some say over-zealous implementation – a blanket ban on any activity with any Israeli person or body, or pressuring and condemning Palestinians who choose to – is hypocritical and misguided. One Palestinian said that if someone in Gaza or Hebron – where the effects of occupation are particularly harsh – wants his or her voice heard in an Israeli media outlet, he or she should not be judged.

The debate among Palestinians is lively, but it can also be coercive. Pressure to anti-normalize can mean demonstrations and public campaigns against normalizers.

Co-resistance?

In practice, one specific policy has become the litmus test of acceptable cooperation: Palestinian right of return for refugees to sovereign Israel (within the “Green Line”). When boycott advocates talk of “granting Palestinian rights,” this is what they mean.

Hardly any Israelis support that position. To them it means flooding Israel with millions of Palestinians and the end of the Jewish state – nothing less than an existential threat.

The result has been fewer Palestinians cooperating with Israeli partners for conflict-resolution initiatives, either because they are committed to anti-normalization or because they do not wish to risk a public backlash. The idea of conflict resolution itself, in the anti-normalization mindset, seems to leave many Palestinians cold: first they insist on rights, then they can take equal responsibility for resolving the conflict.

But even Israeli human rights workers fighting occupation-related violations find it harder to get Palestinian perspectives on their experiences, which the organizations try to address inside Israel.

Impact, achievement, progress?

How can the success of such a tactic be measured? Obviously, the overall goals stated by the BDS movement have not yet been achieved; following yet another devastating war this summer, they may be further away than ever.

Some Palestinian activists say the boycott and anti-normalization movement has had many successes. BDS has certainly grown into a formidable public force both locally but especially internationally: businesses, governments and celebrities from abroad have either addressed or actively participated in some form of boycott. Activists believe that this kind of pressure on Israel is the only way change will come, since diplomacy and violence have not worked.

While boycott can create clear economic and political pressure, what contribution does anti-normalization at the personal level make? The greatest problem in Israel regarding the conflict is apathy; the Palestinian tactic of refusing personal interaction with the few peace or human rights activists left has little chance of stirring up sentiments en masse, and no chance of raising support for Palestinian right of return.

The “anti-normalization” concept highlights the limitations of dialogue, negotiation and mediation in protracted conflicts, particularly asymmetrical ones. Dialogue generally seeks to create understanding and trust; but what happens when deeper understanding creates less and less trust? Dialogue may help with peacebuilding, but can peace be built before it is made?

In this case, the failures of both track one and track two negotiations (such as that which sparked the Oslo process) led to the rejection of people-to-people dialogue. And at present, the relevant stakeholders in the Israeli and Palestinian leadership have little interest in or incentive to pursue yet another round of American-mediated negotiations. Yet ongoing violence is a devastating reminder of the desperate need for change.

A sort of parallel unilateralism seems to be filling the gap left by the failures of bilateralism. Israel continues to deepen its occupation regardless of Palestinian needs; Palestinians are undertaking diplomatic and pressure tactics to change that reality. For the foreseeable future, boycott and anti-normalization trends can be expected to grow.

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Innovative Approaches in the Colombian Peace Process

By Virginia M Bouvier

This [ISN Blog](#) first appeared on 27 August 2014

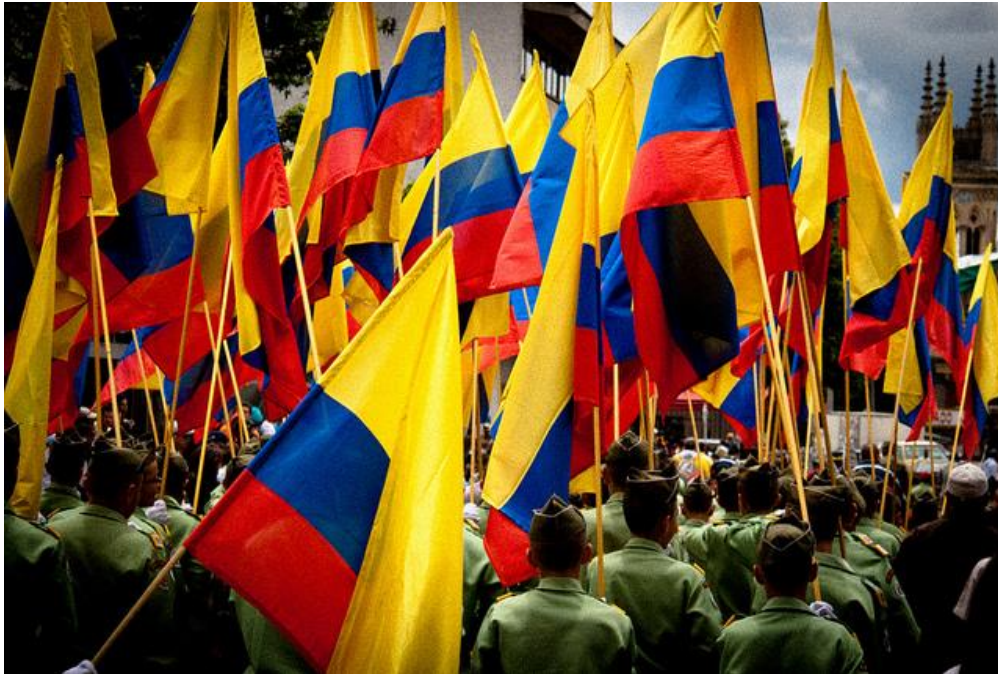


Photo: flickr/Lucho Molina

The Colombian peace process has advanced steadily without major interruption since it was formally launched in Norway and peace talks between the Colombian government and the Colombian Revolutionary Armed Forces (FARC) began in Cuba in late 2012. As with most peace processes, the Colombian process has evolved over time and in stages, with adjustments to the methodologies, focus, and engagement of the stakeholders. A number of these modifications are breaking new ground, particularly with regard to the roles of civil society and the design of strategies for dealing with the past.

Where does the process stand today?

Talks with the FARC are now in their 27th round and progressing apace. Discussions with a second, smaller guerrilla organization, the National Liberation Army (ELN), entered a secret exploratory phase in January 2014 but have yet to become formalized. In June, the government and the ELN issued their first joint communiqué expressing their intent to continue the exploratory phase until they could “agree on an agenda and establish peace talks.” The two parties have thus far agreed on the first two agenda items—victims and civil society participation in the process—two themes that have also been important in the process with the FARC.

The peace process with the FARC has relied heavily on a framework agreement signed by representatives of the FARC and the Colombian government in August 2012 following six months of secret talks in Cuba. In the document, the parties agreed on the goals of the talks, an agenda, a methodology, and a road map. This framework agreement has proven critical for keeping the parties on track and has served as the touchstone for working through disagreements and maintaining

mutual respect at the table. It reminds us about the importance of framework agreements in establishing rules that can help mediate a process. The peace process with the FARC is driven by Colombians and has no international mediator, though Cuba and Norway have served as its guarantors, joined by Venezuela and Chile, who accompany the process. The aforementioned countries plus Brazil and Ecuador are accompanying the ELN process.

While part of the framework agreement posits that nothing is agreed until everything is agreed, prospects for a final peace deal with the FARC look good. The parties have reached preliminary agreement on three of the six items on their agreed agenda. These preliminary agreements—on rural agrarian development, political participation, and drug trafficking and illicit crop cultivation—are widely believed to address the roots of a conflict that has lasted half a century, caused 220,000 deaths (81% civilians), and displaced more than six million Colombians. The fourth and fifth agenda items—victims and the end of the conflict—are currently under discussion at the table. The last agenda item will be the mechanisms by which the Colombian population will endorse, implement, and verify any agreements reached in Havana.

Opening the process to include civil society

A fairly exclusionary, hermetic process is slowly opening up to civil society engagement. From the beginning, the government negotiating team included respected leaders of the military, police, and business sectors—which were spoilers in past peace processes in Colombia—and envisioned somewhat minimal roles for civil society. The parties encouraged civil society to submit peace proposals via an [online mechanism](#) or through their local mayors and governors, and anticipated a role for thematic experts to provide input at the table. Some sectors of civil society—including indigenous people, Afro-Colombians, women, and victims—demanded representation at the table and many were concerned about the limited options for citizen engagement.

These civil society sectors, which have been disproportionately affected by the conflict, have been calling for a political solution for years. With the advent of the talks, they have participated in official forums and taken advantage of circumstances to generate their own forums and alliances and to make their proposals known. There are indications that their voices are being heard at the peace table. Following a nationwide women's summit in Bogota in October 2013 that demanded greater participation of women in the peace process, the government added two women to its all-male team of negotiators. A few months ago, the negotiators announced the establishment of a gender sub-commission to ensure that all agreements reached are gender-sensitive. Such a commission was established in the process in Sri Lanka, but lacked buy-in from the stakeholders at the table, so women's proposals were not implemented in the end.

New roles for civil society have been evolving throughout the Colombian process. The Colombian Congress's peace commissions, with the support of the United Nations, initiated several rounds of regional consultations throughout Colombia that generated and channeled thousands of proposals from civil society to the table in Havana. Likewise, the parties in Havana called on the National University and the United Nations to organize thematic forums to garner proposals from civil society on each of the first four agenda items.

Innovative approaches for including victims

The Colombian peace process has been breaking new ground in relation to how to deal with the past. While the process is still unfolding, a number of innovations are worth examining. First, a visionary Declaration of Principles agreed by the parties on June 7, 2014 laid out the parties' philosophical approach for addressing what is the most difficult and emotionally charged of the agenda items—victims. Recognition of the victims and of those responsible are key elements of the declaration. The declaration commits the parties to measures that will satisfy the victims' rights to truth, justice, reparations, and guarantees of non-repetition. Among other things, the Declaration of Principles also agrees that there will be no "exchange of impunities", underscores the importance of victims as citizens with rights, and establishes victims' participation as a crucial part of the peace process. The parties have recognized the need to engage victims directly in the process in order to determine the measures that will satisfy their rights. This is a new approach, fraught with possibilities and challenges.

A second and related innovation has been the engagement of thousands of victims in four forums organized by the United Nations and the National University at the behest of the peace delegations in Havana in July and August 2014.

A third element of innovation has been the engagement of victims at the peace table in Havana. In June 2014, the parties in Havana invited victims to participate directly in the peace discussions, and issued a set of criteria by which victims would be chosen to participate in five delegations to Havana of up to 12 members each. The parties asked the United Nations, a think-tank of the National University, and the Colombian Bishops Conference to oversee the selection of delegation members and to ensure that the criteria were met. Much thought has gone into how this would be done, given the difficulties implicit in trying to represent more than 6.7 million victims. In mid-August, the first of the victims' delegations traveled to Havana. It included participants who represented different types of victimization, regional backgrounds, and ethnic and gender diversity. Members of the delegation had been victimized by the FARC, the public security forces, paramilitaries, unknown assailants or a combination of armed groups. The use of third parties—both nationals and internationals—helped mitigate conflict on the highly controversial issue of selection criteria.

Another innovation we are seeing in Colombia is the establishment during the peace process of a historical commission on the conflict and its victims. While Truth Commissions after peace agreements are signed are fairly standard practice, this kind of broader clarification commission on the origins of the conflict as a prerequisite to agreement is not. In part, the need for such a commission in the Colombian conflict responds to the complexity of a conflict where the parties at the table are only two of many armed actors, so there has been a need to understand the full conflict context. Colombia's clarification commission begins work on August 21, and will lay the groundwork for a future truth commission whose mandate will be more extensive. Ensuring that victims' rights to truth, justice, reparations and guarantees of non-repetition are satisfied is a universal dilemma in post-conflict transitions around the world. The questions are always: what happened and why? Who is responsible? How can amends be made? And finally, perhaps most importantly, how can a return to violence be prevented in the future?

Victims are particularly well qualified to speak to these issues and their engagement at the table in Havana is promising. Victims are stakeholders with ideas, proposals, and contributions. Colombia is

making victims' voices central to its process. If for no other reason, this alone makes the Colombian peace process well worth watching.

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The Shia Imami Ismaili Muslims in Dialogue with the World

By Sabrin Kassam

This [ISN Blog](#) first appeared on 31 July 2014



Pictured on the left is the Aga Khan IV. Image: Los Alamos National Laboratory/Wikimedia

“We must not kill to resolve our differences, whatever they may be. They must be resolved, as I have said, within the ethic of our faith through dialogue, through compassion, through tolerance, through generosity and forgiveness. These are the pillars on which to build a strong society in modern times – not through weapons.”

His Highness the Aga Khan, 49th Hereditary Imam of the Shia Imami Ismaili Muslims, Tajikistan 1995

Conflicts with a religious dimension are increasingly commanding global attention and have become a focal point for those working in the field of dialogue and mediation. While the role of religion in conflict is salient, focusing excessively on this relationship runs the risk of losing track of the unifying capacity of religious institutions and the work that is being done by their members to transcend cultural, religious and political boundaries. Against the backdrop of intensifying unrest between Sunni and Shia Islamic communities in many different regions of the world, it is pertinent to remind ourselves of the many [initiatives](#) from within these communities to bridge differences. What can we learn from the Shia Imami Ismaili Muslim community regarding the promotion of peaceful co-existence worldwide?

Insights from His Highness the Aga Khan

One example of a Muslim initiative for peace is the [Global Centre for Pluralism](#), chaired by His Highness the Aga Khan, the 49th Hereditary Imam and spiritual leader of the Shia Imami Ismaili Muslims.

[The Shia Imami Ismaili Muslims](#) are a Shia Muslim [community](#) residing in over 25 countries. Their dialogue practices and dispute resolution mechanisms, which function both within the community and with external actors – including other religious communities, governments and civil society – raise some important considerations about the nexus between conflict and religion. This was illustrated in a [recent address](#) to the Canadian Parliament, in which the Aga Khan touched on perceptions of the division between Shia and Sunni interpretations of Islam and between the Islamic and Western worlds. Many of these remarks could be useful for policymakers and practitioners.

First, he sought to counter the perception that conflict is often based on opposing religious beliefs, contending that most contemporary conflicts are rooted in “particular political circumstances, the twists and turns of power relationships and economic ambitions, rather than deep theological divides.” This notion is of critical importance in the modern world, as misunderstandings about the relationship between religion and conflict can cause conflicts to escalate. Cross-cultural dialogue and education about the fundamental values that underpin Islam are integral to the Aga Khan’s approach to resolving these misunderstandings, as evidenced by the work that the [Aga Khan Development Network](#) is conducting globally.

Second, he implored “non-Muslims who are dealing with the Ummah [the entirety of Muslim communities around the world] to communicate with both Sunni and Shia voices”. This point has enormous implications for the future of conflict within the Ummah and underlines the importance of entering into dialogue with all of the stakeholders to a conflict. Dialogue with all stakeholders is of particular salience in the Islamic context due to the danger of conflicts spreading if they are not resolved (which the Aga Khan alluded to later in the address).

Qur’anic basis for peace: dialogue, empathy and spirituality

Alternative Dispute Resolution has been a longstanding practice within the Ismaili community, rooted in both Qur’anic interpretations of the faith as well as the rich history of the community worldwide. Mohammed Keshavjee [notes](#) the origins of the *Sulh* – a Qur’anic principle that translates as *negotiated settlement* – and describes how the concept of dialogue was favored by the Holy Prophet Muhammad and Imam Ali, the first Shia Imam. At present, the respective National and International Conciliation and Arbitration Boards within the Ismaili community serve to resolve internal conflicts, ensuring strength and unity across the community, which is an important prerequisite to successful dialogue.

But it is not only the importance placed on dialogue that reveals the key role that negotiation and mediation plays in the community. It is also the value invested in concepts that facilitate successful mediation approaches. An example of this is the emphasis on “fostering empathy” that [Laurie Nathan](#) has deemed crucial to effective mediation. This is held in equally high regard by the Aga Khan who, speaking to [students of Brown University](#) as part of the Ogden Lecture series, explained that “the struggle to remain empathetically open to the Other in a diversifying world is a continuing struggle of central importance for all of us”.

Empathy – understood as seeking to understand the other, even if one does not necessarily agree – is a cornerstone of dialogue. It goes hand in hand with a focus on the idea of an oneness of humanity that persists despite individual differences. For the Shia Imami Ismaili Muslims, this is perhaps best summed up in [the following words](#) of the Aga Khan: “It is because we see humankind, despite our differences, as children of God and born from one soul, that we insist on reaching beyond traditional boundaries as we deliberate, communicate, and educate internationally.” The prevalence of this concept – that focuses on global commonalities rather than differences – is why dialogue is seen as the primary path to resolve disputes.

This is also evidenced by the importance in the Ismaili faith of the *batin*, or internal understanding of the Qur’an – a place where differences between faiths do not exist. Professor Ali Ansari [explains](#) that “central to the Ismaili traditions of esotericism has been the notion that a singular spiritual reality underlies what may appear externally to be starkly different and disparate doctrines and creeds.” This underlying foundation allows the Ismaili community to interact, engage in dialogue and seek unity across boundaries – be they religious, political, institutional or cultural.

The practices of the Shia Imami Ismaili Muslims can offer insight into and help us to reframe our understanding of the relationship between religion and conflict. In doing so, they also pose an important question: do religious communities really see the world through contrasting lenses, or do they simply too often see it through the “lens of war” that the Aga Khan [refers to](#) – which prevents them from appreciating the underlying realities and beliefs that bind everyone together as a global population?

Removing this “lens of war” means focusing on the political nature of many so called “religious conflicts” and attempting to solve them politically. It calls for non-Muslims to communicate to both Shia and Sunni communities and for both Muslims and non-Muslims to recognize more fully the Qur’anic basis for dialogue as a way to deal with differences. Focusing on the oneness of humanity and recognizing the unifying nature of spirituality – the idea that we [are](#) “born indeed of a single soul” – can help to illuminate the path to peace.

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Security Arrangements: Key to Justice

By Laura Davis

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Photo: Flickr/Stein Ove Korneliussen

Peace processes – and the mediators that shepherd them – increasingly address the legacy of large-scale human rights violations. They can provide a crucial [‘moment’](#) for addressing the causes and consequences of an earlier conflict. To this end, peace agreements often include justice provisions: attempts to begin to deal with the past through a range of judicial and non-judicial measures such as amnesties, prosecutions, truth-seeking and reparations. While ‘justice provisions’ such as these are important, the argument here is that security arrangements in peace agreements are as important, if not more so, for accountability. Mediators’ influence on the content of a peace agreement may be limited, but there are still ways in which they can contribute to more effective security arrangements.

The justice perspective of security provisions

The [‘peace and justice’](#) debate usually focuses on the justice provisions of peace agreements. This debate is often reduced to a discussion of amnesties. Amnesties that excuse acts of war (such as treason) encourage combatants to join Disarmament, Demobilisation and Reintegration programs. Other amnesties may be intended to help belligerent strongmen to hold onto power in the new order. There is an emerging international standard, [backed by UN policy](#), that this second type of amnesty should explicitly exclude the most serious crimes (genocide, war crimes, crimes against humanity and gross human rights violations). Without question, justice provisions – including and going beyond amnesties such as these – are important in their own right and are often [hotly debated](#).

The ‘non-justice’ provisions of a deal, however, are rarely scrutinized from a ‘justice’ perspective. This is unfortunate as the institutional arrangements agreed in a peace deal, particularly in the security sector, [may have a larger impact](#) on justice and human rights than the explicitly justice-related provisions. If security arrangements lead to human rights violations, the broader peace deal is likely to unravel.

Agreements with weak provisions regarding the effectiveness and governance of security institutions may incubate future conflict and human rights violations. To reach an agreement, the armed non-state actor may demand full integration into the regular army. Or the regular army may try to avoid any reform of ongoing malpractice. Both of these are common practice and can lead to considerable problems in the future. In the Democratic Republic of Congo (DRC) and [Mali](#) the cycle of integrating armed groups into the army only for them to rebel again later seems endless. A lack of centralized command and control, or even of common loyalties or of basic competence, poses a [serious challenge](#) to security sector reform in the long-term. In their absence, state security agents and members of non-state armed groups can become part of criminal networks operating within the security [system](#), as is the case with drug trafficking in Afghanistan and illegal resource extraction in the DRC. Security arrangements that throw former belligerents together without scrutinizing the behavior of individuals or setting up processes to reform and improve the security system may fundamentally undermine efforts to turn a negotiated agreement into lasting peace.

If security arrangements entrench impunity within the security and justice sectors, the chances of success for any justice initiative, national or international, judicial or non-judicial, are slim. In the [DRC](#) and [Kenya](#), the power-sharing agreements negotiated in each situation had a much greater effect on human rights than the justice provisions. The deals enabled elites to entrench their power within the political and security institutions, fundamentally undermining justice efforts in the implementation phase.

What can mediators do?

Peace and justice advocates alike should analyze the security arrangements in peace deals much more closely for their potential to smuggle future violence into the deal. Analysis is only the first step, and the easiest one at that.

Some actors involved in peace processes, such as international organizations or states, can put pressure on the parties to shape certain provisions. Mediators, on the other hand, can help the parties reach an agreement, but have little influence on the content. They can, however, play an important role in highlighting clauses in a peace agreement that could lead to problems later on. They can warn the parties that the peace agreement will not be internationally recognized and supported if it does not satisfy minimal standards. Drawing attention to threats to peace that are hidden in the security arrangements is important, as those arrangements are often the most important aspect of the process for those who have been involved in abusive practices, as well as for those who have been affected by them.

The second way mediators can contribute to more effective security arrangements is by making processes more inclusive. Even when peace processes are large and inclusive, the security arrangements are likely to be hammered out in a private, ‘technical’ committee, away from public scrutiny. Far from being technicalities, the security arrangements may well determine the ‘post-

conflict' political and social order. Mediators can seek to enlarge the process that addresses security issues, both at the negotiation table and away from it, with consultations and parallel formats.

A more inclusive process means inclusivity in terms of both actors and issues. For example, one of the critical questions for security arrangements is: Who will join the new army and how will they behave? This should not be decided by the armed wing or security experts of the negotiating parties alone. It should also be shaped by their political leadership and as far as possible by a broader discussion of the role of the security system in the new order. This discussion should include representatives of civil society, women's groups, and traditional leaders in addition to a range of political leaders. More inclusive processes may lead to more effective security arrangements.

One way to help strengthen the security sector is to negotiate the introduction of mechanisms that would help to 'screen out' those suspected of the worst crimes. If these individuals cannot be prosecuted, it may at least be possible to retire them. A more inclusive process can make this type of arrangement more credible, ensuring that the inevitable sweetener that would come with retirement is accompanied by tight conditions that limit involvement in public life. More inclusive processes may also be more effective as a system-wide approach, rather than one that only targets a few individuals.

Mediators have little control over who participates in a mediation process. Before talks even begin, regional and international actors have a key role to play, and may be able to use their influence to counter the principle that violating civilians tends to result in power at the negotiating table. They may also be able to put pressure on conflict parties to negotiate security arrangements that contribute effectively to longer-term peace and stability, avoid the recurrence of human rights violations and keep alive the possibility of justice for past abuses.

Mediators can play a critical role in this – by helping to make peace processes more inclusive, by providing the parties with sharpened analysis of the possible implications of proposed security arrangements, and clarifying to the negotiators the possible pitfalls of faulty security arrangements. In this way, mediators may help parties avoid peace agreements where the security arrangements undermine the likelihood of peace and justice in the future.

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Fighting 'Feminist Fatigue'

By Julia Palmiano

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Photo: Nancy Pelosi/flickr

Despite decades of advocacy, why are women still so poorly represented at the peace table? In 2012, UN Women reported that women accounted for just four per cent of participants in 31 major peace processes between 1992 and 2011. Why is this number so low despite international mechanisms like [United Nations Security Council Resolution 1325](#) and the [Convention on the Elimination of All Forms of Discrimination against Women](#)?

A partial answer to this question may be found in the shortcomings of certain approaches to promoting women's rights. In particular, the effectiveness of some strands of academic and policy literature on women, peace and security (WPS), and related advocacy campaigns that push for greater representation and participation of women at the peace table, can be questioned.

WPS policymaking literature has a strong advocacy component. This advocacy approach relies on the liberal rights argument – that women simply have the right to participate – as an important starting point for getting more women to the peace table. It also tends to instrumentalize the different attributes, qualities, and deliverables that women bring to the peace table, through notions that women are inherently more peaceful and trustworthy; that their biological and social role as mothers renders them inherently more compassionate; and the list goes on. The former is understandable, as the undeniable reality is that women *are* underrepresented and their right to participate *is* enshrined in international conventions and underpinned by a normative consensus. However, the latter runs the risk of sliding into essentialism (the idea that men and women are biologically and inherently different) and stereotypes (read: women are nice, cooperative and accommodating while men are aggressive, overly-tactical and power-hungry) and tends to conflate this type of thinking with the 'sameness' of rights-based argumentation. In other words, some advocacy campaigns argue that

women should be included in peace negotiations because they are inherently different than men, while simultaneously arguing that they should be included because they are fundamentally the same.

This conflation is problematic because it obscures the need for a holistic analysis of the interactions among and between men and women at the peace table. Mediators and negotiators report ample evidence of women and men defying gender clichés and stereotypes in order to land a negotiated settlement. These are the interactions that really determine the level and quality of the participation of women at the peace table. The conflation of rights-based arguments with essentialism and stereotypes can result in the inclusion of women in negotiations simply because they are women, in order to fill quotas or satisfy other requirements – allowing donors or international mediators to tick the proverbial gender box for women’s inclusion without understanding the real value they add. While the jury is still out on whether quotas are effective ways to include women, feelings are mixed: at their best, quotas can bring women into peace talks who add great qualities and strong voices, but, at their worst, they bring in token ‘warm bodies’ that do nothing except fill a seat.

How does one change this reality? A starting point could be a more holistic gender analysis of the relationships between men and women, understood as a social arrangement rather than the consequences of biological differences. War and conflict affect men and women differently because of their different social *context* far more than because of their different physical *construct* – which is why women typically bring *different* (though not necessarily *better*) perspectives to the peace table.

This is demonstrated by [one mediator’s pithy example](#) of her experience of peace talks in Darfur:

“The men were having an argument about a river that flowed through a piece of land – and the women said, ‘Didn’t you know that the river dried up three years ago?’ It was because the men weren’t there and the women remained there, and they knew things that were relevant – just facts that the men didn’t know. In one sense, it is more complete evidence.”

A second step would be to change the language of advocacy campaigns to better engage with mediation process design. Although the road to changing the arguably anachronistic peace table structure is a long one, campaigns can begin by using rights-based arguments as a starting point rather than an ending point. Women not only have a right to participate in negotiations, they also make up half of the constituencies that conflict parties represent. Their unique knowledge and experience can enrich the arguments of negotiators, resulting in an agreement that is more implementable and sustainable. It can also result in more buy-in from constituencies during the implementation phase of a peace process.

A third step would involve demystifying feminist theory and its relationship to peacemaking policy and practice as a whole. Too often, international actors are reluctant to be lectured on women’s rights. This attitude forgets that critical feminist theory has made significant advances in understanding how gender impacts peacemaking (often by taking a critical look at past feminist struggles). Unfortunately, the weak nexus between theory and practice means that some advocacy campaigns are simply not up to speed with the progress that has been made. Demystifying feminist theory and strengthening its practical nexus with mediation process design can reduce the [‘feminist fatigue’](#) that is an undeniable reality in the mediation world.

This blog entry was taken from a larger Working Paper from the swisspeace Working Paper Series.

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The Tunisian National Dialogue

By Owen Frazer

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Photo: Magharebia/Wikimedia Commons

The adoption of a new Tunisian constitution at the end of January has been hailed as a major milestone in the country's democratic transition and a welcome piece of [good news](#) amid concerns about the direction of transition processes in other countries in the region.

From a mediation perspective, the national dialogue process that brought Tunisia to this point is noteworthy for at least two reasons. First, the mediators in this case were insiders with a stake in the outcome. Second, changes in context, beyond the control of either party, significantly altered the strategic calculations of the negotiators and opened the window to an agreement.

A transition in crisis

On 23 October 2011, Tunisians elected a National Constituent Assembly in the country's first democratic elections since the January 2011 overthrow of President Zine El Abidine Ben Ali. From these elections, the Islamist movement Ennahda emerged as the largest party and formed a coalition government with two smaller and non-Islamist center-left parties to oversee the transitional period and the process of drafting a new constitution. In response, an opposition bloc formed under the leadership of Nidaa Tounes (Call for Tunisia), a secularist party which was strongly opposed to the government, and to Ennahda in particular.

In April 2013, under political pressure following the assassination of the Leftist political leader Chokri Belaid, Ennahda agreed to give up control of three key government portfolios (the ministries of interior, defense, and foreign affairs) and to appoint politically "neutral" technocrats to run them. Nonetheless, tensions continued to rise and, following the assassination of Mohamed Brahmi – another Leftist political figure – on 25 July, Tunisia descended into a full-blown political crisis. Protestors took to the street and the opposition began calling for the government's resignation and

the dissolution of the National Constituent Assembly. In a bid to defuse the crisis and seek consensus on a number of controversial questions President Moncef Merzuki called for a national dialogue.

Insider mediators

Following Merzuki's call, four groups came forward and were accepted to jointly lead a national dialogue between the Ennahda-led government and the Nidaa Tounes-led opposition. These groups were the Tunisian UGTT labor union, the UTICA business and professional lobby, the Tunisia League for the Defence of Human Rights, and the Lawyers Guild – and came to be known collectively as the 'Quartet.'

The Quartet did not conform to the classical model of a neutral external mediator. The UGTT has a long history of playing a role in Tunisian politics, and was itself involved in leading street protests and a general strike in the wake of Brahmi's assassination in July. Some members of the Quartet were also known to be close to the opposition and, as representatives of different sections of Tunisian society, all Quartet members had a stake in the outcome of the dialogue. For these reasons, Ennahda's leaders were skeptical that the process could lead to a fair outcome. Initial tentative discussions between the parties and the Quartet therefore focused largely on the Quartet's own interests in mediating. Only once the Quartet had explicitly acknowledged its own interests could it build trust and the discussions move forward.

Game-changers

Ultimately, the process would not have succeeded without Ennahda's engagement and commitment to a positive outcome. What, then, prompted Ennahda to engage, despite its initial skepticism? The answer is that two unforeseeable external events, beyond the control of the political players in Tunisia, 'changed the game' for Ennahda: the assassination of Brahmi on 25 July and the coup d'état earlier that month which removed the Muslim Brotherhood from power in Egypt.

These events prompted an internal process of reflection and debate within the party that resulted in the leadership's decision to become an active participant in the Quartet-facilitated dialogue and to make its success a priority. The party leadership realized that, in the face of significant opposition from within the state and from social elites (including the bureaucracy, the business community, the media, the security services, the universities, and important opinion-makers), relying on the party's electoral mandate would not be sufficient to avoid the risk of the Egyptian crisis being duplicated in Tunisia.

Conclusion

Some have cast Ennahda's decision to opt for consensus and compromise as a [defeat](#) for Tunisia's largest party, suggesting that it was forced to yield to political and popular pressure. Others interpret it as a conscious, laudable decision to put the national interest and the democratic transition before party politics. Still others see it as a pragmatic calculation concerning the party's long-term interests. Similarly, there are doubtless also many diverse narratives about the motivations behind the Quartet's role in mediating the crisis.

Regardless of your analysis, for mediators the case is a reminder of two valuable points. First, understanding the wider context in which the mediation is taking place is essential – as events external to the process will inevitably have repercussions for the process itself. Second, a neutral

mediator is not a precondition for a successful mediation. Ultimately, it is the acceptance of the parties concerned, rather than neutrality, that matters.

Now that the Tunisian constitution has been approved by a large majority, and a new technocratic government is in place, the stage is set for elections before the end of the year. Although it is unlikely that everything will be 'plain-sailing' from here forward, Tunisia's national dialogue provides a welcome example of how, given the right context, a genuine commitment to solving differences through negotiation and mediation makes solutions possible.

Owen Frazer is a program officer in the Center for Security Studies' (CSS) Mediation Support Team, which is located at ETH Zurich. This post is inspired by presentations and discussions that occurred at a recent meeting of analysts working on political conflicts in the Middle East and North Africa.

Engaging Religion

By Owen Frazer

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Pictured here are the Dalai Lama and US President Barack Obama. Photo: The White House/flickr

How can policymakers and conflict mediation practitioners effectively engage with religion? Indeed, how can practitioners mainstream such engagement with religious actors and organizations? And, what do we even mean when we ask these questions? These were just some of the questions posed at *Religion, Foreign Policy and Development: Making Better Policy to Make a Bigger Difference* a recent conference held at the UK Foreign Office's [Wilton Park](#) that brought together policymakers, academics and practitioners for two days of wide-ranging and intense discussions.

Opportunities to engage with fellow practitioners are undoubtedly important for a number of reasons. Like gender and other cross-cutting themes, religion also runs the risk of being compartmentalized by experts and given little systematic consideration by colleagues in the same institution working on other topics. This is a challenge that those of us working in the field of mediation and conflict transformation also face: how do we make sure that religion's role is adequately addressed by those who are working to resolve and transform conflicts?

Part of the challenge in talking about mainstreaming engagement with religion is being clear about what we want to mainstream. "Religion" is a loosely-defined term which can mean many different things in many different contexts. The easier aspect of religion to make sense of, and to develop concrete policies towards, is the notion of religious communities or religious constituencies. For policymakers particularly, this is a nice, tangible notion. There are groups out there who have particular interests, needs and views and who are endowed with particular capacities and resources. The existence of religious institutions, religious leaders and faith-based organizations makes it seemingly easy to enter into contact with these communities – we know who to call, as it were.

In this respect, things are already happening. Special units like the US State Department's Office of Faith-Based Community Initiatives or the Faith Communities Engagement Team at the UK Department of Communities and Local Government have been set up to engage directly with religious communities and push their colleagues across government to do the same. In the field of conflict transformation there is a similar trend of engaging with religious actors, both as peacemakers and as stakeholders, to be brought into any process that hopes to be considered inclusive.

This form of engagement is necessary and important, but it isn't enough. Nor is it without its challenges and risks. One risk in particular is that concentrating on such an approach may lead to another kind of compartmentalization in which religious communities and constituencies become seen as a specific segment of society. As was pointed out at the conference, in most parts of the world religious communities and constituencies make up nearly the entirety of society. Religion permeates the everyday of almost everyone and to engage with society is to engage with religion – religion cannot be sidelined as the preoccupation of some special interest group.

With this in mind, the conference also generated another helpful way of thinking about and defining religion. In one form or another, religion can be conceived as a lens or set of spectacles through which people look at the world. Our religion – or lack thereof – shapes the way we make sense of the world. When groups “wearing different spectacles” meet, as they inevitably do in the fields of development and diplomacy, their different ways of seeing and approaching things means that there may be strong divergences on many issues, both about *what* should be done and about *how* it should be done. In some situations these differences may even cause or fuel conflict.

Saying that the world is made up of groups of people with a wide variety of worldviews is nothing new. However, discussions about religion help to remind what a salient and challenging fact it is. In the context of the discussions on mainstreaming at [Wilton Park](#) it seemed particularly challenging at two levels. First, how do you persuade policymakers working at normatively-driven institutions like development ministries (whose job it is to promote human rights and particular notions of development) to routinely step back and question the lens through which they are working? Second, even once there is an awareness of the challenges posed by working in contexts where diverse worldviews are present, what can we advise policymakers to do about it?

This is where the field of mediation and conflict transformation may have something to offer. Mediation is about helping people to negotiate their differences. Developing and promoting tools and approaches that help people to negotiate their worldview differences may not only be of use to those working to prevent and transform conflicts, but also to policymakers more generally who are looking for concrete ways in which they can take worldviews into account. As policymakers, academics and practitioners continue to grapple with the question of how to engage with religion, one area where their efforts could focus is on developing practical tools on how to negotiate worldview differences. Such tools may be one way of helping policymakers to develop policies in a manner that is constructive and beneficial for everyone.

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Localizing Peace Processes in the Democratic Republic of Congo

By Sara Hellmüller

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Photo: © Sara Hellmüller

The M23's recent abandonment of its armed struggle has renewed hopes for peace in the Democratic Republic of Congo (DRC). However, it also underlines a major problem that has characterized peace negotiations over the past decade – namely their primary focus on the “noisiest” actors whose actions aim to shock the collective international conscience. For peace to be sustainable, greater efforts are needed to localize peace initiatives.

From the battlefield to the negotiation table

On 5th November 2013, the Head of M23, Bertrand Bisimwa declared that the organization would henceforth end its armed revolt in the eastern DRC and pursue its objectives through political dialogue. This change of approach can be explained by four factors. First, the M23 experienced some important losses on the battlefield after the United Nations bolstered its [MONUSCO](#) stabilization mission with an intervention brigade that possesses a robust mandate to neutralize armed groups. Ground was also lost to the *Forces Armées de la République Démocratique du Congo* (FARDC) after it was strengthened, restructured and made more capable of going after M23 rebels. In addition, diplomatic pressure and suspension of development aid, mainly by the United States and European Union, prompted Rwanda to decrease its backing of the M23. Finally, the appointment of [Mary Robinson](#) as UN Special Envoy for the Great Lakes Region and [Russell Feingold](#) as US Special Envoy for the Great Lakes and the Democratic Republic of the Congo and their diplomatic engagement has undoubtedly played a part in moving the warring parties from the battlefield to the negotiation table.

As a result, the parties have now signed two declarations in Nairobi under the auspices of the [International Conference on the Great Lakes Region](#) (ICGLR) and the [Southern African Development Community](#) (SADC). They now agree on 11 key points, most notably that the M23 has ended its rebellion and will transform into a political party. In return, M23 members will receive an amnesty that covers certain acts of war or insurgency. Other provisions include the return of refugees and internally displaced persons, the release of prisoners currently detained by the government and the creation of a commission to settle questions over the status of confiscated or looted land and property.

Focus on the “noisiest” actors

These recent developments are certainly promising, but they are not without risks. For one, the most recent peace negotiations in Kampala and Nairobi have only focused upon those armed groups that have reached a critical size and, are therefore, capable of taking strategic locations and thereby attract international attention. The taking of Goma, the capital of North Kivu, by M23 forces in November 2012 is a case in point. However, other rebel groups, such as [Raia Mutomboki](#), the *Forces Démocratiques de Libération du Rwanda* (FDLR), the *Forces de Résistance Patriotiques de l'Ituri* (FRPI) or the *Patriotes résistants congolais* (Pareco), also pose a daily insecurity for the population in eastern Congo. Yet, because they only control a small amount of territory, they are often excluded from peace talks.

Of course, the prioritization of one armed group at high-level negotiations could be explained as a preventive measure to discourage others from resorting to violence in order to get a seat at the table. However, this overlooks an important point: if only the “noisiest” actors are considered, others are likely to be more inclined to try and shock their way into the collective international conscience. This was certainly the case with the Congolese peace negotiations held in South Africa in 2002/03. While other rebel groups were invited to the talks, most of the armed groups active in the northeastern district of Ituri were not considered. This led to even greater violence on the ground as they attempted to make themselves heard by letting their arms do the talking.

Moreover, not only are smaller and less visible armed groups quite often not considered in peace processes, the focus is too often exclusively on the “troublemakers” rather than potential “peacemakers”. It is indeed a strategic choice of many international actors to interact with the belligerents in the first place. However, negotiations that are perceived as benefitting only a selected group of belligerents risk sending out the message that political motives can be best achieved by taking up arms. This is a notable challenge in DRC, where the creation of a rebel group has become a common way to express political discontent.

Localizing the peace process

A durable peace process does not only require calming those who threaten it, but also the inclusion of actors that can build and sustain it. However, increasing the number of actors at the negotiation table is not without its fair share of challenges. Civil society actors are quite often highly politicized and sometimes fail to consult with their local constituencies if peace negotiations are held outside of the country. In the case of the DRC, while they were formally included in negotiation processes, substantial decisions were often taken in closed meetings from which they were excluded. So, besides attempting to include more actors at the formal negotiation table, peace processes at the

national and international level should also be localized in order to better guarantee their legitimacy on the ground.

This is crucial for the peace process in the DRC. What has been decided at the negotiation table must be localized by integrating it into a broader national dialogue. This will inevitably mean addressing issues such as the land conflicts that remain rampant throughout the eastern part of the country as well as strengthening social co-existence between different ethnic groups. Indeed, some international NGOs and UN agencies have already started to engage in mediation of social conflicts at the local level. But that does not mean that they should replicate what local peacebuilding actors are already doing. Instead, external agencies should be working to complement them according to their comparative advantages so that local efforts gain in importance and scale. This, in turn, needs long term investment and an in-depth understanding of the local context, rather than an approach that is purely driven by shocking events and crisis management.

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The Local Elections in Kosovo

By Mathias Zeller

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Pictured here is the flag of Kosovo. Source: Cradel/Wikimedia Commons

The local elections that took place in Kosovo towards the end of 2013 were celebrated by the international community as a [historic event](#) and a turning point in the conflict over the status of the former Yugoslav province. They were also hailed by UN Secretary-General Ban Ki-moon as a [milestone](#) for the normalization of relations between Serbia and Kosovo and a clear sign that the Serb-dominated north of the disputed territory was finally prepared to become part of the Kosovar political system. Alongside the encouragement of ethnic Serbs to participate in the elections, Belgrade also committed to abolish its parallel political institutions. In return, Serb majority municipalities were granted the right to create a [community](#) with autonomy in areas such as economic development, health, education, urban and rural planning. Such initiatives helped to allay fears that the Serb minority would be dominated by an overwhelming Albanian majority.

Less than perfect conditions

However, the elections were far from being smooth, especially in the northern part of Kosovo. Voter turnout in Serb dominated municipalities was low and hovered between 15% and 20% of the electorate. The first round of elections had to be repeated in three polling stations after they were stormed by masked men. In the second round, ballots were transported to Kosovo Polje for no obvious reason instead of being counted at the polling station. In all rounds, employees of Serbian state-run enterprises were practically “ordered” to the polls. Whereas these circumstances would have warranted a critical assessment elsewhere, there seemed to be no appetite to engage in a prolonged discussion about the legitimacy of the elections – as long as they produced a result that everybody could live with.

This begs the question why the international community was so enthusiastic about the elections, and why they turned a blind eye to the manifold irregularities that took place. The events have to be seen in the context of the ongoing negotiations between Belgrade and Pristina, facilitated by the EU's High Representative for Foreign Policy and Security Affairs, Catherine Ashton. The so called "normalization of relations" between the two has been set as a precondition for both Serbia and Kosovo to enter accession negotiations with the European Union. As both actors are in dire straits economically, the importance they attribute to full membership cannot be exaggerated. This, in turn, leaves Brussels with ample opportunity to twist the arms and wring out compromises of the respective leaders. The [agreement](#) they reached on 19 April 2013 must be seen as a direct consequence of this. As the recent local elections formed part of that agreement, neither Pristina nor Belgrade could afford any major disturbance. And since the EU's credibility as a mediator is on the line in Kosovo, its interest was mainly in getting the elections over with, rather than finding legitimate representatives for all municipalities.

What about the local population?

Against this backdrop, the local population is left behind with a sobering insight. Their concerns and hopes for the future – which were at stake according to all politicians urging them to cast their ballots – never really seemed to matter. Whereas they may have been (and still are) the bone of contention of negotiations between Belgrade and Pristina, they have never really been part of the process themselves.

Notwithstanding all difficulties, the elections did produce results. Not surprisingly, all but one of the Serb-dominated municipalities picked the respective candidates from the Belgrade-backed "[Citizens' Initiative Srpska](#)" as their new mayors. They are now expected to create the community of Serb majority municipalities – the next step in the process of the normalization of relations between Belgrade and Pristina. However, due to the enormous amount of creative ambiguity in the agreement as to what exactly this community will look like, it remains to be seen whether the community will in fact integrate itself into the Kosovar system. The fact that most of the elected mayors were chosen thanks to the backing of Belgrade, this seems at least questionable.

Jury's still out

It is certainly too early to judge the long-term impact of these elections. Optimists will undoubtedly rate it as an achievement that elections took place at all. On the other hand, pessimists will counter that elections can only be legitimate if they truly reflect the will of the people. After all that this region has been through in the last 20 years, the sheer fact that Serbia's Prime Minister Ivica Dačić has sat in the same room as his Kosovar counterpart Hashim Thaçi is certainly a success in itself. And where other conflicts simply drop off the lists of priorities of the global powers, it is encouraging that the EU appears to remain committed to resolving the Kosovo dispute. What all actors still have to work on, however, is gaining and enhancing their legitimacy on the ground. If one thing has become clear, it is that any solution has to be found *with* those affected most – not for them. Unfortunately, decision makers in Belgrade and Pristina did not use the elections as an opportunity to get a better picture of the needs of the local residents of Northern Kosovo. Until they start listening to them, they never will.

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Armenia and the Customs Union – Window of Opportunity for Nagorno-Karabakh?

By Anna Hess Sargsyan

This [ISN Blog](#) first appeared on 28 November 2013



Pictured here are Serzh Sargsyan, Dmitry Medvedev and Ilham Aliyev. Photo: kremlin.ru/Wikimedia Commons.

Policymakers and analysts have spent the past two decades applying the same insights and settlement approaches to the [Nagorno-Karabakh conflict](#) with the same limited impact. There is an underpinning perception that everything that could have been said has already been said. This, combined with a set of overused words such as ‘stalemate’, ‘deadlock’, ‘frozen’ and, more recently, ‘simmering conflict’ brings with it a certain level of fatigue and apathy on the part of the conflict parties and external observers.

However, tangible contextual changes within protracted conflicts often open up windows of opportunity for new dynamics in peace processes. In this respect, does Armenia’s stated intention to join the Russian-led Customs Union provide a window of opportunity for renewed mediation in the Nagorno-Karabakh conflict?

Yerevan looks to Moscow

On September 3rd, 2013, the Armenian President Serzh Sargsyan declared his country’s intention to join the Customs Union (CU), a move that effectively puts to an end almost four years of negotiations with the European Union (EU) over an association and free trade agreement. The declaration came as a surprise to many observers and policymakers both domestically and internationally, while others took it as business as usual. Created in 2010, the Customs Union has been a platform for economic integration between Belarus, Kazakhstan and Russia. The CU is also expected to evolve into a ‘Eurasian Union’ that reflects Russia’s perceived ambitions to “re-Sovietize” its former neighborhood and counter the regional influence of the EU.

Despite Sargsyan's recent announcement, determining the future course of Yerevan regarding the CU – not to mention the impact it might have on a conflict settlement in Nagorno-Karabakh – remains compromised by the lack of quality academic research, broad public discourse and credible public opinion surveys. All that is known at the time of writing is that the roadmap for Armenia's accession is under development with the country [expected to join the Customs Union](#) by February 2014, despite the denials of some analysts and opposition parties.

The prospect of Armenia compromising its hard-won sovereignty by joining the CU has also caused social unrest and political discontent at home. However, Armenia's opposition remains weak and fragmented, thereby making the prospect of a bottom-up reversal of Sargsyan's decision unlikely. In this respect, the government continues to stifle socio-political unrest (under the pretext of law and order) and will most likely follow through on its stated intention to join the CU.

Questions, questions

Among the biggest questions that will need answering should Armenia join the CU is to what extent will its membership alter the dynamics of the Nagorno-Karabakh conflict and how might it affect the OSCE Minsk Group peace process? Indeed, given Russia's strategic and military alliance with Armenia, and its [role as a lead mediator in the Minsk group](#), how would an even closer political and economic union with Russia affect the negotiation process and the current mediation format?

This, in turn, raises some pertinent follow-up questions:

- What does Armenia's accession mean for Nagorno-Karabakh? Does the de-facto Republic of Nagorno-Karabakh join as well or would there be a customs border between it and Armenia? Given Armenia's membership of the Collective Security Treaty Organization (CSTO), would Nagorno-Karabakh immediately fall under its security umbrella? If the answer to this question is yes, then renewed hostilities between Armenia and Azerbaijan will remain a distant prospect. Preservation of the status quo would also mean the same old muddling through the current peace process. However, it is difficult to imagine that Azerbaijan would accept the de facto settlement of the Nagorno-Karabakh dispute in this manner. This, in turn, begs another question:
- Will Azerbaijan consider joining the CU against all odds? This seemingly unlikely option is not that far from reality. If ever such a decision is made, it will likely happen as a result of political pressure applied by Russia, and by no means for economic reasons. What this type of settlement would entail remains to be seen.

In any event, if the Customs Union eventually evolves into a Eurasian Union with Armenia – and possibly Azerbaijan – then it is highly likely that the settlement of the Nagorno-Karabakh conflict will become an 'internal' matter for Russia and a future Eurasian Union. This is likely to render the current international Track 1 mediation efforts irrelevant.

So, even in the absence of substantial answers to the abovementioned questions, it's safe to assume that Armenia's possible accession to the CU will not present a much needed window of opportunity for the OSCE-led mediation process. If anything, it confirms Russia's ambitions to consolidate its strategic foothold in the South Caucasus and Armenia's inability to follow through on the much talked about 'complementarity' of its foreign policy. Yet, rather than causing inertia within the international community over Nagorno-Karabakh, it should be a call for more vigilance and creativity from conflict resolution professionals and conflict parties alike.

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Reframing the Charities and Terrorism Debate

By Owen Frazer

This [ISN Blog](#) first appeared on 1 November 2013



Pictured here is a headline in The Daily Telegraph (UK). Photo: Howard Lake/flickr

The UK's Daily Telegraph [ruffled a few feathers](#) earlier this month by building a story around a few out-of-context remarks by the head of the UK's Charity Commission to suggest that millions of pounds raised to assist victims of the conflict in Syria were being diverted to terrorist groups. The Charity Commission reacted swiftly to correct the story, pointing out that they possessed no evidence of any such diversions and that they work very closely with charities to minimize the risk that any could occur.

Fears of charitable donations being diverted away from their intended recipients are nothing new. Nor are accompanying fears that diverted money is ending up in the hands of people with less-than-good intentions. What is relatively new is how these fears are being addressed since the launching of the "global war on terror" in the wake of the 11 September 2001 attacks in the US.

Humanitarian organizations have long recognized that they have a responsibility towards both their donors and their beneficiaries to ensure that aid reaches the people it was intended for. Many organizations have developed their own systems of checks and balances to ensure that it does. However, it has long been recognized, both by donors and charities, that in conflict and emergency situations no system is perfect and there is always a risk that some aid is diverted or ends up in the wrong hands. What has changed with the dominance of a counter-terrorism discourse is that this risk of diversion has been defined as a security threat due to the fear that those wrong hands are terrorist hands.

A problem that had been largely left up to charities, charity regulators and government aid agencies to address suddenly became an area of interest to counter-terrorism policymakers. Under US leadership, a raft of new policies and measures were introduced. Unfortunately, as has been

documented in a recent [study](#) commissioned by the UN, some of these measures have become major obstacles for the work of charitable and humanitarian organizations. Administrative costs and hurdles have increased, access to banking services has been disrupted, requirements to vet beneficiaries have opened organizations to accusations of spying, and the fear of prosecution for aid leakage to undesirable groups in conflict zones has caused organizations to curtail or redirect their operations. This obviously has negative repercussions for the intended beneficiaries of these organizations. Concerns that people in need are not receiving the assistance they require are being trumped by concerns that charitable funding may end up funding terrorist attacks.

As I recently argued [elsewhere](#), this is an avoidable situation because current measures to prevent misuse of charities for terrorist purposes are actually undermining efforts to prevent terrorism by contributing to a 'humanitarian vacuum' that can be exploited by armed groups, making financial flows harder to monitor, fuelling anti-US discourse and alienating potentially important local partners. Concerns that people in need receive the assistance they require are interlinked with concerns about preventing terrorism so policymaking needs to consider both concerns together.

Part of the problem, particularly in the US, is that too much policymaking around charities and counter-terrorism has been like a strict form of parenting: lots of restrictive rules, threats and punishments, and little trust. The dynamics in the relationship need to change. Governments, including the US government, need to start treating charitable organizations as grown-ups. The charitable sector, for its part, needs to strengthen its efforts to demonstrate that it is assuming its responsibilities and that charities do not deserve to be treated like children.

The first step towards a new relationship is through a sincere dialogue to build trust, encourage an open discussion of everyone's concerns and identify solutions that are in everybody's interests. Such a dialogue needs to take place at both the national and international levels and it should bridge three divides in particular. First is the government-charity divide: dialogue will help to reinforce understanding that there are common interests at play around this issue and the best approach is one of partnership. Second is the security-humanitarian divide: as argued above, the security and humanitarian concerns are inter-related and need to be considered together. Too often policy-making is done in silos. Government departments and agencies, NGOs, academics and think tanks from all concerned fields need to work together to address this issue. The third divide is between Western and non-Western actors. In our increasingly interdependent world, the humanitarian landscape is becoming more diverse and non-Western actors are now playing an important role in overseas aid. Western and non-Western actors need to find common frameworks that promote and support the work of charitable organizations wherever they are based while minimizing the threat of diversion to suspected terrorist organizations.

Some [efforts](#) in this direction have already been made. What is required now is strong leadership from key actors like the US government to build a broad dialogue involving all concerned stakeholders. The result will be more efficient aid delivery and more effective counter-terrorism policies.

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Broadening Participation in Peace Processes – From “Why” to “How”

By Corinne von Burg

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Pictured here is a boy waving a Yemeni flag in front of a group of protesters. Courtesy of Al Jazeera English/flickr

“This is the first time in history that a body that is inclusive, with all representatives from Yemeni society, got together [...]. Instead of the politics of closed-door meetings, what we see here is a very transparent, inclusive process.” [Jamal Benomar](#), UN Special Envoy to Yemen, about the Yemen National Dialogue Conference

Why participation is needed

Much has been discussed and written in recent years about the importance of broadening participation in mediation processes. There is a general consensus amongst practitioners and academics that the inclusion of actors beyond the warring parties is desirable. This is not just a normative question: inclusive processes can certainly lead to [more durable, legitimate and locally owned](#) processes. Influential actors (including ‘those with guns’) need to be represented because they have the power to end the conflict, and if sidelined, they will block the process. Affected actors (such as civil society), should also participate in one way or another, as any peace agreement will directly affect their lives and the future of their country. A recent [statistic study indicates](#) that inclusion of civil society actors in peace settlement indeed increases the durability of peace. Among many other actors, the United Nations underlined the value of the inclusion principle in its [‘Guidance for Effective Mediation’](#). So if it is that important, why are many processes today still far from inclusive?

Why broadening participation is challenging

The first and main reason is that if societies are inclusive and their politics participatory, it is very likely there would be no violent conflict in the first place. So lack of inclusion and participation in

peace making is not just due to faulty design by peace makers, it is one of the major causes of conflict in the first place. The main conflict parties generally do not want to share power, and they fear that their power base will be reduced by opening up spaces for other actors, such as opposing political parties, religious and indigenous groups, business communities, or refugees.

The international community, wanting a quick end to violent conflict, quite often wishes to minimize the time and effort required for seeking broader participation. Time pressure in Darfur in 2006 led to a quick fix approach that failed. The ongoing [National Dialogue in Yemen](#) had to struggle with the same question: on the one hand, how much time and effort should be invested to ensure that all the different constituencies were represented in order to create a credible and legitimate process and outcome? On the other, how urgent was it to move ahead and get some tangible results and move out of the transitional period before the entire process collapsed?

For mediators, the question of participation is also tricky, as they are not the ones who select the participants of the negotiations. Mediation is a *voluntary* process, where conflict parties are assisted by an impartial third party. It is thus the conflicting parties who generally decide and agree who will participate, and *not* the mediators. The mediators can bring up arguments for broader participation, but they are not the ones deciding. If the international community forces parties to come to the negotiation table, or indeed excludes them, this is not mediation.

Even if there is a willingness to increase participation on the side of the main conflict parties and the third parties assisting them, the way to get there is far from straightforward. A high number of participants alone do not guarantee an effective process. A time-consuming in-depth analysis of the conflict, context, and potential actors is needed to include the right actors in the process. Participation must also be examined in the context of other process design questions (e.g. goal of process, decision making procedure, urgency of issues to be addressed etc.). Without doing so, a process runs the danger of only including the most obvious stakeholders, or leaving the decision completely in the hands of those already sitting at the table.

Reframing the debate

Given that there is consensus not only on the importance of broad participation but also on its challenges, the discussion should shift from the 'why' to the 'how'. How can the process be inclusive, but nevertheless effective and manageable?

As a first step, it is important to focus on being '[inclusive enough](#)', without insisting on total inclusivity. There is also a need to move away from the view that only those 'at the table', i.e. those represented in direct peace talks between parties, are participating in a peace process. There are many different ways of influencing a process, without being directly represented, and a range of *possibilities to integrate stakeholders from various society sectors*.

As [Thania Paffenholz](#) highlighted at a recent workshop, there are many different [models of inclusion](#), ranging from direct participation to observer status, consultative forums or high-level civil society initiatives. One example is the Kenya National Dialogue and Reconciliation process in 2008, where neither civil society nor the business community were represented at the table but influenced the formal process by providing inputs to the debate in the form of position papers.

Although the selection of the participants often lies in the hands of the negotiating parties, the mediator has also influence and can illustrate the value added of broader participation. In the Sudan

North – South process between 2002 and 2005, for example, both sides resisted greater inclusions in terms of regions and actors. [The mediators argued](#) that some topics could not be adequately addressed without the inclusion of the affected actors and as a result, at least some groups were eventually included in some phases of the negotiations.

Mediation support actors can also work towards broadening participation by helping to build the capacity of marginalized actors so that they are empowered to contribute to a negotiation process. In Yemen, NGOs such as Berghof and CMI were involved in such capacity building, in order to strengthen civil society's participation for the national dialogue process.

Participation in peace processes will always remain extremely challenging due to the very nature of the problem being addressed. What is new is that we increasingly have more ideas and experiences of the different ways in which actors can influence the mediation process, even if they are not sitting at the table. At the same time, it is important to remain modest of what is possible and shy away from wishful fantasies of the international community being the actor to impose the participation in peace processes. Imposed participation may be necessary in some cases, but it is not mediation, and is likely to fail if the pressure cannot be upheld in the long-term.

The National Dialogue Conference in Yemen is an interesting example of an inclusive process, with the hopes of many attached. But only the months and years to come will demonstrate if this set-up eventually leads to a long-lasting peace for all Yemenis.

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Preventing Clashes over Religion and Free Speech

By Niklas Nau

This [ISN Blog](#) first appeared on 30 September 2013



Pictured here is a protest march organized by the Nabaviyyah Islamic Youth Organization in Colombo, Sri Lanka, on 24 September 2012. Photo: Vikalpa/Ground Views/CPA/flickr

September marks the first anniversary of Muslim outrage over the anti-Islam film *Innocence of Muslims*. The furor over the crude video clip depicting Muhammad as a womanizing buffoon was the latest installment in a series of disputes over Western depictions of the Prophet. As some liberal secularists think that Muslims who are reluctant to accept the principle of free speech are best dealt with by habituation – constantly exposing them to (possibly offensive) free speech –, further explosive incidences of giving and taking offence can be expected.

Irreconcilable differences?

The problem of giving and taking offence is probably best illuminated by the ongoing struggle over blasphemy and hate speech in the legal arena. For over a decade, members of the Organisation of Islamic Cooperation have attempted to introduce binding legislation against the defamation of religions at the United Nations, only to be [blocked](#) by Western states. Muslims in Western countries have frequently lodged complaints against offenders under hate-speech or blasphemy laws, but have rarely scored a legal victory. The reason for their respective failures boils down to one major factor – competing values of free speech and respect for religion.

For many advocates of free speech, the right to criticize religion and authority is an important tenet of Western civilization, ensuring freedom, progress and democracy. Free speech is not an absolute value, but is only restricted to safeguard the well-being of individuals (i.e. from slander, hate speech or violence). For many Muslims, however, free speech must also be constrained when it comes to religious convictions. They perceive certain speech primarily as an insult to their religion rather than legitimate criticism, especially when it concerns the integrity of the Qur'an or the character of

Muhammad. As Mehdi Hassan explains in this [heated debate](#), the Prophet deserves more, not less protection than any other individual, as he is for them closer to their heart than even their next of kin.

Behind the opposition

However, the issue has more dimensions than the simple disagreement about who or what is worthy of protection from offensive speech. It is usually not the most egregious violations of Muslim sensibilities that provoke global outrage, but those incidents perceived as emblematic of wider Western attitudes towards Muslims. For instance, Muslims experience offence in the context of discrimination in Western countries, Western support for authoritarian Arab regimes, the wars in Afghanistan and Iraq, U.S. drone strikes on innocent civilians and Western acquiescence to Israel's blatant disregard for the human rights of Palestinians (a more in-depth description of these Muslim viewpoints is provided in Abbas Aroua's [new book](#)). Moreover, they also see the West's commitment to free speech as hypocritical: [Holocaust denial is a punishable offence, whereas insulting the Prophet is not](#).

For advocates of free speech, the perspective is different. Only some think that Islam (like any other religion), as the late Christopher Hitchens put it, "[poisons everything](#)", and is a source of conflict that must be fought relentlessly. However, many in the West are concerned about the misuse of blasphemy laws in Muslim countries, the suppression of human rights in the name of Islam, and the rhetoric and deeds of violent extremist groups. For some, the Muslim reaction is not a sign of genuine distress but an attempt by a vociferous group to impose their views on the rest of society.

A look behind the stark opposition of free speech and religious sensitivity thus often yields a surprising commonality: a concern about justice, equality, and resisting abuses of power. This is, of course, not true for all parties to the debate. Some Westerners are motivated by outright xenophobia, whereas some Muslims are motivated by dreams of Islamic supremacy alone. Yet, there seems to be scope for understanding and seeking consensus among a large spectrum of actors whose views fall somewhere between the extremes.

Extinguishing the fires early on

Again, a look at past incidents may help us to understand how future ones might be prevented. Violent expressions of outrage and disgust do not spread throughout the Muslim world like wildfire. Instead, they start as small flames that need considerable nourishing before they evolve into blazing infernos of rage. Before rioters try to scale the walls of Western embassies in the Middle East, there are usually weeks of angry media performances, western dismissals of Muslim demands, continued publication of the offending material and the lobbying of religious and government authorities by Muslim communities in Europe. And while the more influential media performances often feature public incitement to violence, to begin with many protests are well within the bounds of desirable democratic expression.

The escalation from democratic expression to calls for violence is in part due to some Muslim leaders seizing the initiative with extreme statements that set the terms of the discussion. This, in turn, forces others to take a harder line than they otherwise would have so as not to appear weak. Some of the main agitators associated with the 2005 [Danish cartoons controversy](#), such as Raed Hlayhel or Ahmed Akkari, were undoubtedly motivated by fundamentalist fervor. Others, like influential cleric Abu Laban, were only drawn into the affair as rhetoric escalated and their standing in the community was threatened by their silence.

However, escalation can also be facilitated by the Western response to Muslim indignation. At the start of the Danish cartoons affair, the then Prime Minister Anders Fogh Rasmussen affronted Muslim ambassadors by refusing to meet over the incident. When angry Muslims sent letters to Viking Penguin, publisher of Salman Rushdie's *The Satanic Verses*, they were told that they had misunderstood the book and that there was nothing to be offended by. This dismissive stance hardened the fronts. Being offended turned into every Muslims' duty, and few Muslims dared to voice more nuanced sentiments publicly.

Tellingly, in cases where offence was clearly intended to provoke, such as the *Innocence of Muslims* movie, most Western governments and free speech supporters have readily condemned the offence as well as violent reactions. Although in this particular instance global outrage could not be prevented anymore, the lack of sustained local controversy meant that international protests and violence died down quickly, whereas the Danish cartoons and the Rushdie affairs lasted for years.

Ways forward

So how might both sides work to prevent violent incidents over their differences regarding free speech and respect for religion? The following recommendations do not rely on the restriction of free speech, and could be implemented without resolving the legal debate over where free speech should end.

1. **More, not less speech.** Establish a culture of discourse that is capable of preventing, absorbing and dealing with new offences non-violently. This might entail the setting up of discussion forums, working groups, joint publications and public events.
2. **Clearly address underlying concerns.** Address issues of deeper concern to actors on both sides of the debate, such as human rights in Islam or discrimination against Muslims. This may prevent many free speech advocates from feeling that they have to rely on offensive speech in order to bring issues to the agenda and unaddressed Muslim grievances from crystallizing around offensive speech. If contentious events still occur, steer the discussion away from the offence itself, but move towards addressing underlying issues.
3. **Keep it local, keep it broad:** Prevent the polarization and internationalization of debates by giving a forum to and taking serious the concerns of respected community leaders who may take strong positions but are nevertheless open to dialogue. This enables them to establish themselves as opinion leaders, prevents radicalized elements from dominating the discourse via more effective media imagery and reduces the chances that the discussion becomes internationalized.
4. **Promote internal dialogue.** Internal dialogue to strengthen support for moderate views may be even more important than dialogue between both sides.

These suggestions do not guarantee that future incidents will be prevented, and will not have much bearing on individual fanatics ready to use violence. Yet they may help to steer the debate towards shared values and facilitate dialogue instead of violence. That way we might not be forced to mark as many new depressing anniversaries on our calendars in the future.

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How to Prevent the Clash of Narratives from Undermining Israeli-Palestinian Peace Talks

By Natasha Gill

This [ISN Blog](#) first appeared on 2 September 2013



Photo: US Department of State/flickr

"I can assure you that in these negotiations it is not our intention to argue about the past but to create solutions and make decisions for the future."

- Chief Israeli Negotiator Tzipi Livni

Any third party mediator dealing with the Israel-Palestine conflict is burdened with a 130-year-old dilemma: insoluble disagreements between Palestinians and Israelis over the causes of the conflict continue to obstruct peace-making efforts today.

There is no easy way out of this dilemma, but a few observations may be useful in pointing the way forward for any future mediation.

Reconciling narratives is not possible

Because many third parties can see the validity of both sides' perspectives on the causes of the conflict, they may be led to believe that the parties themselves can 'bridge' their conflicting narratives. Such bridging appears necessary since issues such as the Palestinian right of return and recognition of Israel as a Jewish state inevitably force history onto the negotiating table.

But those who believe that narratives can be bridged have failed to grasp the depth of the chasm that separates the parties' views of the conflict. While some Israeli and Palestinian historians and analysts may have come to share an interpretation of key events, the strongest voices on each side – amongst both the leadership and in the public – continue to propagate narratives based on absolute beliefs. And there is no such thing as a mid-way point when it comes to absolute beliefs.

Mediators should thus avoid trying to persuade parties to recognize each other's narrative as a part of the negotiation. Such a demand is only likely to aggravate the tensions and emphasize the gaps between the sides.

Third parties don't have to be neutral to remain impartial

While it is understood that the USA is not *neutral* in this case (it does not have equal relations with both parties), if it is to be an effective peace broker it needs to become *impartial* (treating actors in a fair manner). Yet despite President Obama's apparent desire to divest the US of its reputation as a 'dishonest broker', in a striking act of partisanship he recently came down firmly on one side of the narrative question. In his March 2013 Jerusalem speech he validated Israel's historical and current narrative in fulsome detail, just as he was trying to launch a new peace process. The President consequently left his Secretary of State in the awkward position of having to ask the Palestinians to come to the table based on the premise that their historical claims are invalid, and their sense of belonging to the land illusory.

It is not impossible for non-neutral mediators to be effective: but they must be sufficiently aware of the nuances of the conflict to know when taking a stand on core issues will lead them to lose their legitimacy as mediators.

The past and the future are equally perilous

The President committed another mediators' *faux pas* when in his Jerusalem speech he asked the Israelis to take pity on their enemies and retreat from occupation. In doing so, he located the conflict squarely in the present and validated a view that is mostly heard on the Israeli side: the past is done, there is nothing we can do about it, let's move on.

While constructive in theory, in practice this approach is implausible, for several reasons:

First, it is contradicted by the fact that Israel's demand that Palestinians recognize it as a Jewish state is a quintessentially historical issue, based on a continuing dispute over the nature and origins of the conflict. If the Israelis want the Palestinians to 'move on' from the past, they should forego their demand for a form of recognition that can only ignite a battle over history.

Second, the 'move on' approach is a luxury Israelis might afford but Palestinians feel they cannot. For despite the genuine feeling shared by many Israelis and Jews that Israel is being delegitimized in the international community, the historical suffering of the Jews, and their perspective on the conflict, has been recognized in the Western world. More importantly, their story has been accorded tangible physical and legal recognition via the very existence of Israel. In spite of the very real threats they face and their feelings of insecurity, Israelis can choose to 'move on'. The future is to their advantage.

For Palestinians this is not the case. While their cause is gaining support in the West, their historical view of the conflict is still so far from being recognized that the US President trounced it publicly without seeming to realize the implications of his words.

Further, unlike the Israelis, the Palestinians' sense of rightful belonging on the land that is now Israel, the West Bank and Gaza has not taken on an institutionalized reality in the shape of a state. On the contrary, their claims to the land are being continually undermined by Israeli statements and settlements, tacitly approved by the lack of response in the international community.

It is thus futile to tell the Palestinians to let bygones be bygones: as long as they feel their future is intimately linked to recognition of their history they are unlikely to embrace the 'move on' approach. The past is their future.

Take rights and recognition off the negotiation table but not out of the peace process

So how can third party mediators square the circle?

A peace process is not limited to negotiations: its natural life must extend beyond a peace accord in order to be viable. In the unlikely event that Palestinians and Israelis were to negotiate an official end to violent conflict, a host of obstacles would still need to be overcome: implementing the agreement, managing mounting tensions between Jews and Arabs within Israel, addressing the divisions between Palestinian factions, ensuring arrangements regarding internationally significant holy places.

While a negotiation that tries to square the circle on issues of rights and recognition is unlikely to succeed – and one that tries to eliminate these core issues is likely to be perceived by the public as illegitimate – a post-negotiations process can allow for these issues to be addressed through non-violent channels: *the intractable issues would be taken off the negotiating table but not out of the peace process.*

For example, the well-being and dignity of the Palestinian refugees must be addressed during a negotiation: how they are compensated, where they live, their future welfare and security. But the principle of the right of return, including the Palestinian wish that Israel should accept responsibility for the refugees' original displacement, is a 'fixed' national aspiration: the Palestinians cannot 'negotiate' or bargain it away.

The Israelis, however, cannot accept the right of return: they will not accede to their responsibility for the refugee problem or the conflict: they will not declare their country a sin; and they consider that the demand for the right of return contravenes the very idea of two states for two people who have declared an end of conflict.

However, in a peace process that follows the negotiations, the core of the right of return may be addressed. Israelis who have normal relations with their neighbors and are no longer demonized in the region will more likely be open to deeper reflection on the origins of the conflict. They could be willing to acknowledge what the Palestinians have experienced, admit their part in it, and commemorate rather than destroy evidence of the Arab historical presence in what is now Israel. This is more likely to meet some Palestinian needs in regards to the core of the right of return than anything they are likely to wrest from the Israelis during the negotiations.

Similarly, Israel's right to live in peace and security can be addressed in the negotiations via concrete agreements that offer mutual security and normalized relations. But Israel's demand to be recognized as a Jewish state, or as 'the homeland of the Jewish people', is an absolute principle. It is based on the Israelis' desire to feel that their existence has been legitimized once and for all, and their historical and religious connections with the land have been accepted. Like the right of return, this issue has recently taken on the aspect of a fixed national aspiration.

This concept, however, cannot be genuinely embraced by the Palestinians as part of the text of an agreement. It would require that they concede on their view of history, identify what they believe is

their own historical homeland as Jewish rather than Arab/Muslim, and declare their historical objection to Zionism as misguided.

In a post-negotiations peace process, however, the issue of recognition may be perceived differently. Palestinians who have a viable state, a sense that their dignity has been restored and are responsible for their own destiny, may be more amenable to acknowledging the Jews' history of persecution and historical and religious ties to the land, without conceding that the creation of Israel was a legitimate enterprise. By virtue of economic, cultural and security ties with its neighbors Israel can become an integrated reality in the region, and gain a form of tangible and durable recognition that carries more weight than a force-fed statement by their enemies during negotiations.

Third party mediators dealing with the core elements of the Israel-Palestine conflict are in a difficult position. Negotiations can only be successful if parties do not expect the insoluble to be solved. And yet a peace process requires that issues of rights and recognition be addressed in order to ensure post-agreement stability. The most significant role that mediators could play is to help develop effective mechanisms for the post-agreement peace process that would not be shy of confronting the core issues head on, and yet prevent these from turning into intractable obstacles to peace.

Dr. Natasha Gill is founder and director of [TRACK4](#), which runs negotiation simulations for diplomats, mediators, journalists, policy makers, students and community leaders.

Six Women Building Peace in Myanmar

By Rachel Gasser

This [ISN Blog](#) first appeared on 5 August 2013



Pictured here are three women who participated in a training session on peace negotiations conducted by swisspeace and the Shalom Foundation. The session occurred in Yangon, Myanmar, in October 2012. Photo: Rachel Gasser

When we think of efforts to bring peace to Myanmar, the main picture most of us have in mind is that of Aung San Suu Kyi. Even if today she is still an essential element of the Myanmar transition, the road to peace and democracy is paved by many other female characters whose faces are less familiar to us.

At the negotiating table

As in many other contexts around the world, it is mainly men who sit on both sides of Myanmar's negotiating table. However, the recent dialogue between the government and the Karen National Union (KNU) was an exception in that it was the first time talks were headed by a woman: Naw Zaporah Sein, the current Vice-Chairman of the KNU. In addition to the head of the delegation, several members of the KNU peace negotiation team are also women, among them an influential legal expert. Additionally, several women sit in the negotiation room as observers and provide feedback to both sides after negotiations.

In Mon State, the Mon Women Organisation (MWO) has been a key network to advance human rights and development in the region. It currently supports Mi Sa Dar, a member of the Central Committee of the New Mon State Party (NMSP) who participate in the peace talks with the government. Despite the challenging environment that peace negotiations often present, Mi Sa Dar has managed to bring female voices to the negotiations between the Myanmar government and the NMSP.

Within civil society...and beyond

Myanmar civil society has been vibrant for many years and has worked creatively even under very difficult conditions. With the recent opening of the country, civil society actors are gaining more space and are now conducting a wider range of activities. In the field of peacebuilding, for example, the Shalom (Nyein) Foundation (SF) has been pivotal for more than ten years. Ja Nan Lahtaw, SF Assistant Director, and Nang Raw Zakhung, SF Program Manager, support several peace processes around the country by bringing expertise to negotiations and creating platforms for dialogue. To ensure public participation in peace processes, they also organize public consultations in remote villages.

Nilar Thein is part of the [88 Generation Students](#) movement and was imprisoned several times in her life. The last time she was imprisoned was in 2008, following the 2007 protests where she organized a march of roughly 500 people to protest against government policies. Just after her release in 2012 at an event in Yangon, Nilar Thein told participants how fantastic it was to learn again and exchange freely among people who want to advance democracy in Myanmar. She added that she felt so lucky being able to participate in building a better country for her daughter, whom she did not see for many years while she was in prison. She showed no desire for revenge or even sadness about the past, only to look to the future and shape the present.

Myanmar's female parliamentarians are also making a telling contribution to Myanmar's peace processes. Daw Doi Phu, for example, became the first woman to join the government negotiation team headed by U Aung Min. She participated in talks between the Kachin Independent Organisation (KIO) and the government which took place in May 2013. Several women also attended the meeting as observers and both sides expressed their commitment to continue having women in the negotiating room.

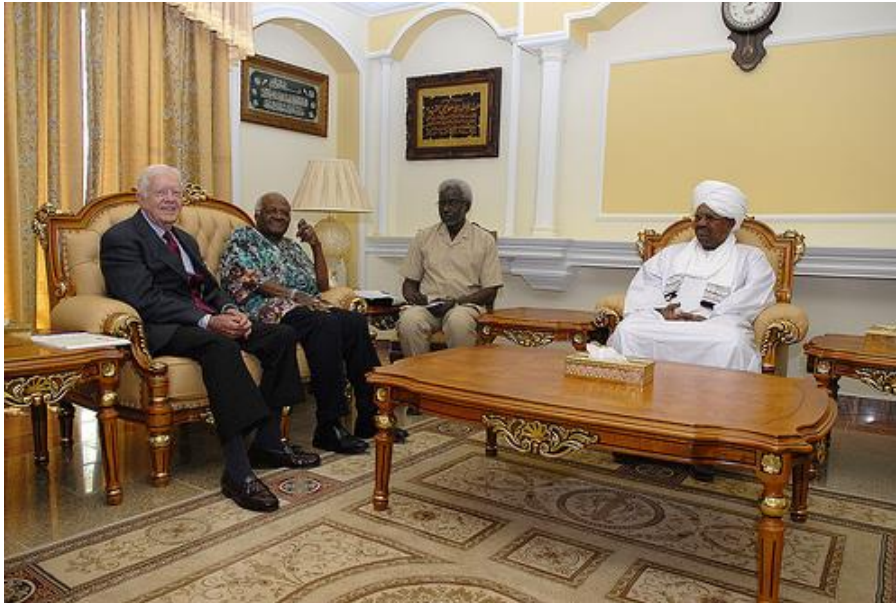
More or less visible, more or less supported, more or less at risk, hundreds of other women are also investing their time, energy, knowledge and commitment to building the future of Myanmar today. Along with some outstanding men, they are the new faces of Myanmar, which deserve far more attention than they currently receive.

Rachel Gasser is a program officer at Swisspeace.

Commentary on the UN Guidance for Effective Mediation

By Jimmy Carter

This [ISN Blog](#) first appeared on 9 July 2013



In this photo former US President Jimmy Carter and South African Archbishop Desmond Tutu meet with Sudanese President Omar Hassan al-Bashir during a visit in 2007. Photo: Andrew Heavens/flickr

The July 2011 UN General Assembly resolution on strengthening mediation in the peaceful settlement of disputes was an important demonstration of support for mediation by the international community. The [Guidance for Effective Mediation](#), called for in the resolution and subsequently developed by the UN, is a useful reference document for mediation practitioners and the broader policy community. [Translating Mediation Guidance into Practice](#), developed by the NGO members of the Mediation Support Network (MSN), expands on the guidance. It provides examples of effective and ineffective mediation practice in conflicts around the world.

The commentary highlights a number of the most challenging issues in the field of mediation today. One of these is the question of coordination among mediators. In recent years, there has been an increase in would-be governmental and nongovernmental mediators involved in conflicts worldwide. My experience has demonstrated the importance of coordination and a clear division of labor between mediators, working under the umbrella of a lead mediator. In my work with The Carter Center we have played both roles, leading on some conflicts and working under the umbrella of other mediators, often UN-backed, in other contexts. When this type of coordination is at its most effective, the problem of overlapping mandates can be reduced. In addition, different types of mediators, including local and international NGOs, states, and multilateral organizations, can be deployed to bring a variety of conflict stakeholders into mediation processes, building constituent buy-in and creating quality peace agreements.

The need for effective coordination and inclusive mediation efforts also points to the importance of bringing all major conflict actors into mediation processes, wherever possible. The trend of proscribing terrorist groups, sometimes including large organizations that are significant conflict actors, has made mediation more difficult. Placing such organizations beyond the pale of diplomacy

complicates the search for political solutions to armed conflicts. Often these marginalized groups can end up with the desire to undermine any agreements reached. While it may be necessary and appropriate for states and multilateral organizations to sanction certain organizations, it also is important to maintain channels for dialogue.

This commentary is an important tool for fostering further discussion of these issues within the international community, while providing useful recommendations for better mediation practice.

This text was first published as a foreword to the Mediation Support Network's Commentary on the UN Guidance for Effective Mediation.

Jimmy Carter is former US President and, together with his wife Rosalynn Carter, founder of The Carter Center. President Carter and The Carter Center have engaged in conflict mediation in Ethiopia and Eritrea (1989), North Korea (1994), Liberia (1994), Haiti (1994), Bosnia (1994), Sudan (1995), the Great Lakes region of Africa (1995-96), Sudan and Uganda (1999), Venezuela (2002-2003), Nepal (2004-2008), and Ecuador and Colombia (2008).

Peace Mediation: Quo Vadis?

By Simon J. A. Mason

This [ISN Blog](#) first appeared on 10 June 2013



Pictured here are Darfuri Armed Movement Discussions. Photo: Wikimedia Commons

Is the way that armed conflicts are being mediated today different as compared to five or ten years ago? If the answer to this question is ‘yes’, what are the challenges facing mediation efforts and how might mediators go about confronting them? These and other questions were explored during a [panel](#) discussion at the [2013 International Security Forum](#) (ISF).

Peace mediation is changing

In the 1980s, track 1 mediators focused on the security aspects of armed conflicts, leaving the political, economic, social and justice questions to be dealt with later by other mechanisms. From the mid-1990s, however, track 1 mediators have been asked to approach mediation very differently: the root causes of armed conflict were to be addressed, and this was oriented by a total “vision of society” that was developed by the conflict parties. The result was long and highly complex peace processes, such as the Burundi Arusha (1998-2000) or the Sudan North-South processes (2002-2005). In both cases, mediation teams were larger, and consisted of mediation process experts, topical experts on security, justice, economy, and social issues, alongside coordination by a chief mediator (such as Julius Nyerere and Nelson Mandela (Burundi) or General Lazaro Sumbeiywo (Sudan)). Since the Sudan Process, there has not been an equivalent peace process, which begs the questions: are we in a phase of transition that possibly mixes the 1980s security mediation model with comprehensive mediation approach of the 1990s? If so, at what stage are we at in terms of development?

Challenges today

In response to this question, the ISF panelists outlined some of the contemporary challenges facing peace mediation efforts. It was noted, for instance, that there is a tendency to start using mediation

too early, and in cases where the parties are not willing to try negotiations. The understandable pressure to end the violence quickly leads to fast patchwork agreements that often do not work, or put a far greater burden on the implementation phase, as the classical “pre-negotiation, negotiation, implementation” cycle is thrown overboard. In this respect, the failed [Darfur 2006 agreement](#) is an interesting example.

Moreover, the lack of international consensus on the minimal parameters for a peace process (as in the case of Syria), as well as the way military means are used (Libya, Mali), results in less space for long, complex mediation processes. Counter-terrorism policies have also limited the space to engage with actors listed as terrorist organizations, narrowing the space for talking with some actors that would have to be engaged with for an effective mediation (e.g. [Hamas in the Middle East](#)).

There also seems to be a tendency for international actors to use the term “mediation” for an approach that would be better called “high powered diplomacy, including some mediation techniques”. Mediation can be understood as a structured process where an impartial third party supports conflict parties in reaching a mutually acceptable agreement. The mediator focuses on the process and moving the parties towards agreement on the content. However, the mediator does not impose any content into the agreement. In mediation, any decisions on the content of the agreement must stem from the conflict parties.

By contrast, in high powered diplomacy the mediator and international backers of the mediation process put pressure on the parties not just to attend the negotiations, but also as to what ends up in the agreement. The first Kofi Annan ceasefire plan for Syria, for example, was designed without all relevant parties negotiating the content; it was the end-result of high powered diplomacy, not of mediation. This is not to say high powered diplomacy is not good and not needed, however it should not be confused with mediation, even if some mediation techniques are used.

An evergreen challenge for peace mediation is the lack of experienced, well trained and professional peace mediators, who have the ability to design and carry out long, complex peace processes that address the totality of a conflict. In the past, there were some in-depth, applied mediation courses. Up to three-year training courses were organized for future mediators, but these were quite often shut down, frequently as a result of budgetary policy. Today, the tendency seems to be heading more towards the use of topical experts (e.g. on security, justice, economy, social issues) to assist conflict parties, rather than mediation experts who design peace processes. Could it be that in 15 or 20 years, conflict parties will be assisted mainly by such topical experts, and there will be no mediation generalists left?

The way forward

In summary, too much is currently expected from mediation, while at the same time not enough policy support, expertise and resources is being offered to make it effective. Yet, it would be dangerous and totally wrong to glorify the past. Mediation efforts have also failed dismally in the past, such as negotiations that were staged prior to the [Rwandan genocide](#). Peace mediation has always worked at the edge of the possible, and has thus been continuously undergoing change. Yet the ISF panelists insisted on the need for understanding how mediation was practiced in the past, as some of the basic approaches are still used today. There are also various international efforts to improve mediation practice, for example by increasing the coordination of mediators (e.g. [by the UN](#)) and mediation support actors ([Mediation Support Network](#)), learning from local mediation

experiences (e.g. in [Somalia](#)), professionalizing mediation practice (e.g. [Peace Mediation Course](#) and the [UN Ceasefire Mediation and Management](#)), and clarifying the terminology (e.g. the [UN Guidance for Effective Mediation](#)). These are good steps, but more has to be done. Honestly facing and exploring the changes that peace mediation is currently undergoing is the first step to adequately responding to them.

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Building Trust

By Valerie Sticher

This [ISN Blog](#) first appeared on 16 May 2013



The Arch of Reunification is a sculptural arch located in Pyongyang, the capital of North Korea. It was constructed in 2001 to commemorate Korean reunification proposals put forward by Kim Il-sung. Photo: bryanh/flickr

What do student exchange programs have in common with prisoner exchanges; and what does the release of information on missing persons have to do with a game of soccer, or a joint-economic development project? They are all examples of measures that can be used for confidence building in peace processes (albeit in different contexts and conflict phases). Generally speaking, confidence building measures (CBMs) [can be understood as](#) “a series of actions that are negotiated, agreed and implemented by the conflict parties in order to build confidence, without specifically focusing on the root causes of the conflict.” In other words, by letting parties collaborate on something that is not strategically important to them, they build the trust needed to subsequently address the strategic issues.

One of the many leftovers from the Cold War is the perception that CBMs are only relevant in the military field. Yet, as the examples above indicate, they can take place in the humanitarian, political, security, economic and social sectors – and ideally even cross-sectoral, as [Simon Mason](#) and [Matthias Siegfried](#) point out in their recent contribution to an African Union (AU) handbook on [Managing Peace Processes](#). In light of the increasing call for a regionalization of peace processes, the handbook is a particularly timely publication. It is designed to serve as a reference guide for AU practitioners, building on comparative experiences. So what are the main lessons learned for mediators in the field of confidence building measures?

Perhaps the most important lesson is that while the use of CBMs can be an effective tool for preparing and deepening peace negotiations, their usefulness is often overestimated. It is vital to consider the limitations and risks related to the use of CBMs, to ensure that they do not backfire. Mason and Siegfried highlight five challenges in particular:

1. Negotiations may be hindered by a lack of trust between the conflicting parties; a lack of political will to change the status quo; or a lack of a common understanding of the conflict.
2. Parties may use CBMs as a stalling or cover-up tactic, to signal to the international community or their own constituencies that ‘they are doing something,’ without having the intention of actually changing the status quo. To minimize the risk of this is happening, mediators need to clarify the motivations of the parties for using CBMs, be it bilaterally or in plenary meetings.
3. CBMs may be so successful that they take pressure away from the parties to address the real issues; mediators thus need to be careful to ensure that CBMs do not distract from the real negotiations.
4. If CBMs are not clear and not verifiable, the danger is that they are not implemented, or implemented in a manner that is not helpful. This can lead to greater distrust than before. A modest CBM with clear implementation modalities is preferable to an ambitious one.
5. In general, CBMs are most effective if they are designed in a symmetric manner, involving equal commitments and impact on both sides. Premature concessions that are not reciprocated may be counter-productive, increasing mistrust between the parties or leading to a (perceived) loss of face for one side.

Of course none of the above arguments are clear-cut: it may, for example, sometimes be better to just ‘do something’ than not to do anything at all, even if it is misleading about the actual progress being made. In particular, the last point regarding symmetrical design is tricky: when there is a great power imbalance, the more powerful actor may take unilateral action without risking much. Thus, a mediator can ask parties to make unilateral gestures, if this seems the only way out of a deadlock. In short, there is no cookie-cutter solution. CBMs, like other ingredients of peace processes, need to be tailor-made for the conflict that they are seeking to address. While a mediator can come up with suggestions or caution against weak or risky CBMs, the final responsibility to choose the right type of CBM rests with the conflicting parties.

Much in the news recently, the case of the Korean peninsula illustrates both the opportunities offered by CBMs and their limitations. A chapter on ‘Exchanges and Cooperation’ in the 1991 Basic Agreement between North- and South Korea provided the basis for non-military CBMs. Family reunions and private-sector-led economic interaction helped ease military tensions, especially during the era of South Korea’s [“Sunshine Policy”](#) (1998 to 2008). Despite progress on the social and economic front, however, no breakthrough was made on the political level. When the conservatives took power in the South in 2008, they abandoned the sunshine policy, arguing that the North was not serious about reciprocating CBMs and engaging in denuclearization. The Kaesong Industrial Complex, a jointly-operated industrial park in North Korea, became one of the last remaining symbols of cooperation, continuing to run even when [tensions elsewhere escalated](#). The recent decision to [effectively close the complex](#) shows how fraught relations have become. This serves as a powerful reminder that, even if implemented in a carefully planned and long-term manner, CBMs are but one piece of the whole peace process jigsaw puzzle.

Read the full chapter on CBMs [here](#).

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Visioning the Future and Dealing with the Past

By Sabina Stein

This [ISN Blog](#) first appeared on 17 April 2013



Flag of the Concert of Parties for Democracy (Concertación), which is a Chilean political coalition founded in 1989. Image: B1mbo/Wikimedia Commons

Chilean director Pablo Larraín's 2012 film *No*, about the 1988 plebiscite that brought an end to General Augusto Pinochet's 17-year dictatorship, vividly captures the tensions between a society's need to be forward-looking at times of political transition (be this at the end of dictatorship or at the end of violent conflict) and its need to deal with past injustice. On March 5th 1988 Chileans were asked to vote whether General Pinochet should stay in power for another eight-year term. The film focuses on the television campaign aired by advocates of the "No" vote in the days leading up to the referendum. Veterans of the anti-Pinochet opposition, many of them victims of the state's repressive apparatus, called for a campaign that would showcase past crimes: forced disappearances, torture, and killings.

Unconvinced that the state would recognize a "No" victory, these leaders saw in national airtime a collective space in which to acknowledge and honor suffering and loss; not a medium through which to "win" votes. But a young, politically disengaged advertising executive hired by the "No" camp to energize their campaign turns this all upside down: a lugubrious campaign based on scenes of repression and testimonies of injustice is transformed into one promising a joyful future for all Chileans. "Chile, joy is on its way!" becomes the motto of a jubilant campaign reminiscent of contemporaneous TV advertisements for soda drinks and shiny house appliances. The film ends with the real-life triumph of the "No" vote, an event that took most Chileans and external observers by surprise.

Putting [historical simplifications](#) aside for a moment, what can conflict resolution practitioners learn from this cinematic snapshot of Chilean history? From a mediation perspective, the televised "No" campaign can be said to have engaged in what is known as visioning. This is a tool that mediators use to encourage parties in a conflict to be forward-looking and think about how they would envision an ideal future. Its purpose is to help parties identify common goals and to give orientation on the

bridges that have to be negotiated in order to reach them. Visioning tends to make parties feel that positive change is possible and thus encourages creative thinking and greater commitment to a mediation process.

For visioning to be successful, however, the vision put forth needs to be attractive (even if it will never be ideal) to all parties in a conflict. This means it has to be inclusive. If we reconceptualise political negotiations at times of rapid political change as not only occurring among elites but as the broader struggle of needs, interests and narratives emanating from different sectors of society, then we can see in the Chilean “No” campaign an attempt to build just such a vision. The campaign called on all Chileans to imagine a more joyful future, without excluding those who at some point in the past or at the time of the referendum supported Pinochet. Visions of an inclusive society that all stakeholders can buy into can help unlock fears and pave the way for dialogue on how that future is to be reached.

However, one wonders, does visioning demand a shelving of justice for past crimes and violations? History shows that to re-establish fundamental trust and accountability in society – pre-requisites for a durable peace – there is a need to publicly acknowledge abuses that have taken place, to hold responsible those who have committed such violations, to rehabilitate and compensate victims, and to ensure that violations do not re-occur. Could visioning thus create obstacles for achieving a durable peace? How should mediators approach [dealing with the past](#)?

In peace negotiations, many context-specific factors influence how, when and to what degree aspects of dealing with the past are introduced by mediators. In general, however, mediators are advised to be sensitive to the timing in which such issues are brought onto the negotiation table. The pertinent question in peace mediation, therefore, is not whether dealing with the past should be pursued, but rather when. Mediators consequently gauge how much accountability can be secured at any given time in a peace process, conscious that introducing accountability topics too early can prove disastrously counter-productive, with one or all parties leaving the table. Although there is no magic formula to fit all processes, mediators tend to adopt an incremental approach to dealing with the past, always aware, however, that blanket amnesties can never be part of an agreement (see [UN Guidance for Effective Mediation](#)). They understand that achieving some elements of accountability might have to wait until a stable peace is secured. This is the reason why mechanisms for dealing with the past may at times be anchored in peace agreements but rarely, if ever, are they fully spelt out.

In conflict mediation there need not be an inherent contradiction between dealing with the past and visioning. It is rather a question of timing and how to fit the two aspects together. Chile is still today struggling with the legacy of dictatorship and General Pinochet has passed without ultimately being brought to justice. The same [unresolved legacies](#) trouble many of Chile’s neighbors. Nevertheless, not all is bleak as signaled by the most recent episode in the region’s fight against impunity. On March 5th of this year a trial began in Buenos Aires for those responsible for [Operation Condor](#), a secret network through which dictatorships in Chile, Argentina, Uruguay, Paraguay, and Brazil cooperated in hunting down political opposition across state borders. Three decades on, Latin American countries are still dealing with their past; but they do so in societies whose (still imperfect) freedoms and respect for human rights make it difficult to believe that not too long ago military dictatorship was the continental norm. As societies today struggle to collectively negotiate a violence-free future, it might be useful for those pushing for change to devote themselves first and

foremost to the construction of a vision in which all can feel included. This is no easy chore and truth and justice will ultimately be required for durable peace. But without giving people a project to work towards, it might prove difficult for them to abandon fear and muster the courage to say “No!” to more violence.

Sabina Stein previously served as a program officer at the Center for Security Studies’ (CSS) Mediation Support Team, which is located at ETH Zurich.

“Infrastructures for Peace” – Useful Jargon?

By Owen Frazer

This [ISN Blog](#) first appeared on 15 April 2013



Peace infrastructure? This is the Peace Bridge in Calgary AB, Canada. Photo: Wikimedia Commons

Every academic and professional field has its jargon. While often criticized, jargon has its uses. It serves as a kind of shorthand, allowing us to communicate complex or multiple concepts in short phrases or single words. But it does have its downsides. Excessive use of jargon renders meaning incomprehensible to non-specialists. Even between specialists it may lead to misunderstandings when users and audiences have different conceptions of what the term refers to. Worse, it can be used as a kind of tick-box or name check, allowing users to communicate the sense that they are engaging with the concepts underlying the jargon without necessarily genuinely doing so. We are therefore rightly wary when a new term comes along; asking ourselves whether there is a need for it in our vocabulary.

The field of peacebuilding and conflict transformation is no stranger to jargon. A new term pushing its way into the lexicon is “infrastructures for peace” (“I4P” or “peace infrastructures”). It has been floating around for some time and looks like it may be on the verge of going mainstream. The origins of the term have been credited to conflict transformation guru Jean Paul Lederach. More recently the term has been championed by the [United Nations Development Programme \(UNDP\)](#) and an [international NGO network](#) has been established to promote the concept. The concept is now the focus of two recent publications: the [Berghof Handbook Dialogue Series](#) dedicates its latest issue to the topic as does the Journal of Peacebuilding and Development. On top of these, the inaugural issue of the new open access journal [Peacebuilding](#) contains an article and comments on the topic.

The two key questions any new piece of jargon raises are “what does it mean?” and “does it help to express a useful concept?” Contributors to the recent publications all admit that the concept requires refining and there is not yet a consensus on a definition, although several have been suggested. Broadly, it refers to the various elements (particularly structures – both formal and

informal) in a society that work to prevent, resolve and transform conflict and to build peace. Peace infrastructure can include elements such as early warning and rapid response mechanisms, local peace committees, ministries for peace, national dialogue conferences and truth and reconciliation commissions. One of the challenges of pinning down a definition is that peace infrastructures will look different in different contexts. One commonly cited example is the peace infrastructure in Kenya that grew out of a grass-roots initiative in Wajir district to prevent and respond to local conflicts resulting in the creation of the Wajir Peace and Development Committee. This model was replicated in other districts and related structures and policies were also subsequently developed at a national level. In Nepal, a more top-down governmental model was followed where a Ministry of Peace and Reconstruction was created to support implementation of the Comprehensive Peace Agreement of 2006 and it oversaw the creation of other bodies including local peace committees, a peace fund and a truth and reconciliation commission.

Of course the elements that make up an infrastructure for peace have been around long before the term came along and will continue to be developed whether or not the term enters common usage. Nonetheless, the concept is useful in a number of ways. Firstly, it encapsulates a number of key principles fundamental to conflict transformation and peacebuilding work: It evokes various elements working together towards a common purpose thus drawing attention to the fact that working on conflict requires coordinated work by a range of actors at all levels of society, from the local to the regional to the national to the international. It reminds that all societies have existing capacities to manage and transform conflict which should be supported and developed. Most importantly, the notion that conflict transformation and peacebuilding work requires an infrastructure to sustain it re-emphasizes the long-term nature of such work.

The second value of the concept of infrastructures for peace is that it offers a different emphasis to the critiqued “liberal peacebuilding” approach. This approach aims to prevent the escalation or re-emergence of violent conflict through the establishment of institutions and policies associated with liberal democracies. In its cruder forms liberal peacebuilding has taken the form of top-down state-building, working on the assumption that the restoration or creation of the “modern” institutions of government is the key to peaceful societies. While not denying that some degree of functioning state is important for peace, to recognize the importance of peace infrastructures is to recognize that conflicts bring along particular problems that go beyond the absence or the breakdown of the machinery of state. Conflicts tend not to be simply a blip on societies’ otherwise peaceful trajectories through history. Rather, societies often find themselves in a conflict cycle where violence recurs periodically. Breaking out of this cycle requires not only a functioning state but also specifically dealing with the issues, dynamics and legacy of conflict. This includes efforts to facilitate dialogue and negotiations between conflict parties, reconcile divided communities, deal with the past, establish mechanisms to spot and address future conflict triggers, etc. This is nothing new but what the concept of peace infrastructures helps to emphasize is that these efforts are as equally deserving of concerted and coordinated attention as the efforts to restore a functioning state.

From a mediation perspective, one aspect of the developing debate on infrastructures for peace of interest is the relationship between structures and process (see Hopp-Nishanka’s concluding reflections in [Berghof’s publication](#), p. 59). Establishing peace infrastructures has a two-pronged benefit. The first is obvious. A structure is created for a purpose (e.g. conflict early warning). If it is successful it will (hopefully) contribute positively to peace. The second benefit is tangential but also important. When the establishment of such structures is done in an inclusive manner (often key to

guaranteeing their future legitimacy), this process provides an important space for a wide range of actors and stakeholders to come together and work jointly on an aspect of the conflict. Such experiences can be important confidence-building measures in their own right and, if successful, lay the foundations for co-operation on other issues.

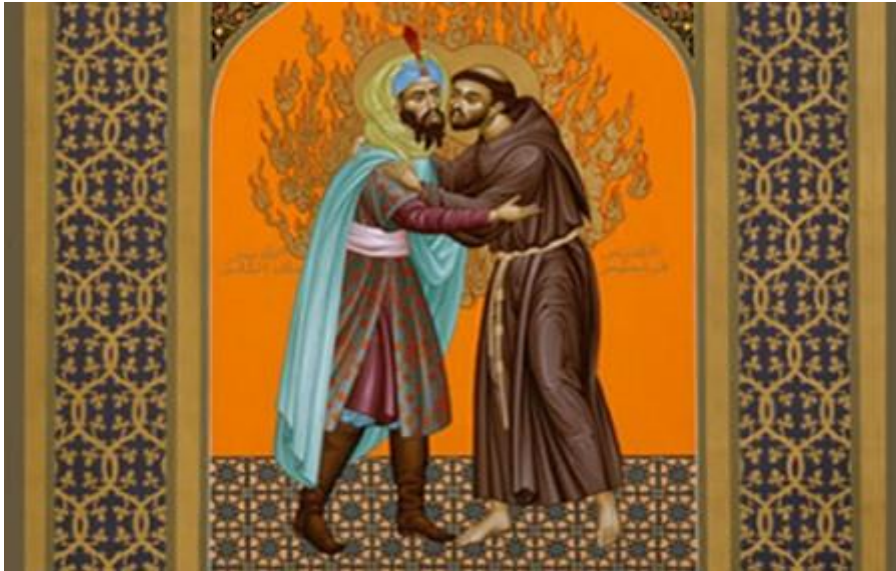
Like all jargon, “infrastructures for peace” will no doubt have its critics. However, if it helps to promote long-term support for developing complementary in-country capacities and initiatives for dealing with conflict, it is a useful addition to the lexicon. If, in addition, the development of such infrastructures avoids top-down interventionism and promotes spaces for dialogue and mediation, I look forward to hearing it on a regular basis.

Owen Frazer is a program officer in the Center for Security Studies' (CSS) Mediation Support Team, which is located at ETH Zurich. He is responsible for various projects within the team's Culture and Religion in Mediation (CARIM) program, which aims to support mediation and conflict transformation processes that deal with the religious and cultural dimensions of conflicts.

The Roman Catholic Church in Dialogue with the World

By Simon J. A. Mason

This [ISN Blog](#) first appeared on 22 March 2013



Sultan Malik al-Kamil and St. Francis of Assisi, © 2006 Br. Robert Lentz, OFM

The Roman Catholic Church is one of the oldest religious institutions in existence, with more than a billion members, in almost every country of the world. With the election of Pope Francis, it is timely to ask: how does the Roman Catholic Church enter into dialogue with the world? How the Catholic Church uses dialogue to deal with differences is not only significant for its members, but also for inter-religious and world peace. The Abbot of Glenstal Abbey, Mark Patrick Hederman, has some intriguing answers to this question. Two points from his recent book [“Dancing with Dinosaurs”](#) are summarized below:

Why do we need religious institutions?

We have to understand the nature of large institutions – be these multinational companies, the United Nations or the Roman Catholic Church – if we are to avoid harming others and ourselves. Seeking to change them rapidly, to revolutionize them, is a recipe for failure. Their very size and cumbersome plodding through the course of history is their guarantee of sustainability. In Hederman’s words: “Unless any organization becomes a dinosaur it will not survive the vicissitudes of history.” But why do religions need such institutional structures? Ultimate truth can never be grasped or controlled by any earthly institution. It can never be truly described in words. As Hederman says: “Our culture has been built on a lie and Christianity has helped to promote and sustain that lie. And the lie is this: that it is possible to work out in our heads a logical system which will give us access to ultimate truth.”

If ultimate truth is more to be touched by the heart (e.g., the church of St John) than grasped by the head (e.g., the institutional church of St Peter), why do we still need the institutional church? Despite its limitations, Hederman argues that the institutional church can support us in entering into a living, mystical relationship with God. Music notes are not the same as living music, and the institutional structures are not the same as a living relationship with God, but they can help. For some people, the

institution stands in the way and they are better off without it, but for others it can be an aid, and therefore it is needed. And, more importantly according to Hederman, without some existing container which stands visibly in the world, however improbably, there is every likelihood that ultimate truth will be forgotten about altogether.

What is the Catholic Church's mandate for dialogue?

If we need large institutions, we need to understand their internal decision-making processes, as this is the basis of how they relate to others. Within the Catholic Church, there are two main camps that have shaped the internal decision-making process. The first camp of conservatives defends a “no change” policy, based on understanding the truth in terms of constants contained in the scriptures and tradition. The second camp of progressives sees the truth of the Church in relation to its historical context. They argue that we are shaped by time and are walking into an unknown future, so that the Church has to negotiate, develop and change. Any compromise of the Catholic Church is a result of these two opposing worldviews.

In relation to dialogue with others, the Second Vatican Council (1962-1965, involving 7500 people from 116 different countries) exemplifies how such compromises can be reached. One of the key compromises entailed changing the word “is” (*est*) to “subsists in” (*subsistit*): instead of stating that the Church of Christ is the Catholic Church, the new formulation stated that the Church of Christ subsists in the Catholic Church. This piece of creative ambiguity allowed the conservatives to hold that the new formulation is but a paraphrase of the previous version, while it allowed the progressives to claim a step forward in recognizing the validity of other churches and religious communities – therefore opening the door for dialogue. The Second Vatican Council stated that: “Nevertheless, many elements of sanctification and truth are found outside its (i.e., the Catholic Church's) visible confines.” (*Lumen Gentium* 8, brackets added). Dialogue with the other was no longer a one-way road of converting the other to the one true Catholic Church; dialogue became a two-way path where both partners could be enriched and made more “whole” in their understanding of the world and God. Since the Second Vatican Council, the Pope and all Catholics have a clearer mandate to dialogue with the world outside their own community.

Moving from Hederman's book to the situation today, the following points indicate how Pope Francis may live the Catholic mandate for dialogue. In 2011, [then-Cardinal Bergoglio wrote](#): “Dialogue is born from an attitude of respect for the other person, from a conviction that the other person has something good to say. It assumes that there is room in the heart for the person's point of view, opinion, and proposal. To dialogue entails a cordial reception, not a prior condemnation. In order to dialogue it is necessary to know how to lower the defenses, open the doors of the house, and offer human warmth”. The chosen name of Francis is also a sign that the new pope may try to follow the footsteps of Francis of Assisi, who used dialogue with the Sultan al-Malik al-Kamil during the fifth crusade, seeking peace between Muslims and Christians.

The Catholic Church has a mandate to dialogue with others, and there is hope for how Pope Francis will live this dialogue. Yet due to the necessary dinosaur nature of the institutional church, dialogue between Catholics and the world outside of Catholicism will be slow, and calls for great patience and perseverance.

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